



Reprinted
March 4, 2003

ENGROSSED HOUSE BILL No. 1167

DIGEST OF HB 1167 (Updated March 3, 2003 5:21 PM - DI 106)

Citations Affected: Numerous provisions throughout the Indiana code.

Synopsis: Technical corrections. Corrects various technical problems. (The introduced version of this bill was prepared by the code revision commission.)

Effective: July 1, 2001 (retroactive); March 28, 2002 (retroactive); July 1, 2002 (retroactive); upon passage.

Frenz, Foley

(SENATE SPONSORS — KENLEY, BOWSER)

January 8, 2003, read first time and referred to Committee on Judiciary.
January 16, 2003, reported — Do Pass.
January 21, 2003, ordered engrossed. Engrossed.
January 23, 2003, read third time, passed. Yeas 91, nays 2.

SENATE ACTION

February 11, 2003, read first time and referred to Committee on Judiciary.
February 27, 2003, reported favorably — Do Pass.
March 3, 2003, read second time, amended, ordered engrossed.

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EH 1167—LS 7303/DI 55+



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1167

A BILL FOR AN ACT to amend the Indiana Code concerning technical corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-1.1-16, AS AMENDED BY P.L.1-2002,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 16. It is not the intent of the general assembly
4 in enacting section 12.1 of this chapter to have the content of the audio
5 or video coverage provided under section 12 of this chapter (**repealed**)
6 used as evidence of the legislative intent, purpose, or meaning of an act
7 enacted or resolution adopted by the general assembly.

8 SECTION 2. IC 3-11-1.5-17, AS AMENDED BY P.L.212-2001,
9 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 17. (a) The election division shall send a copy
11 of a precinct establishment order:

12 (1) submitted under section 14 or 30 (**repealed**) of this chapter;
13 or
14 (2) resubmitted under section 20 of this chapter;
15 to the office for comment.

16 (b) The office shall review the order and may make any technical
17 comments the office considers appropriate.

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(c) The co-directors or an employee designated by the co-directors shall examine:

- (1) the proposed precinct establishment order; and
- (2) the comments of the office;

to determine if the order would establish precincts in compliance with this chapter.

SECTION 3. IC 3-11-4-3, AS AMENDED BY P.L.126-2002, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b) and ~~sections section 6 and 8~~ of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than ninety (90) days before election day nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter completes the application in the office of the circuit court clerk.
- (3) Noon on the day before election day if:
 - (A) the application is a mailed or hand delivered application from a confined voter or voter caring for a confined person; and
 - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board.
- (4) Midnight on the eighth day before election day if the application:
 - (A) is a mailed application; or
 - (B) was transmitted by fax;
 from other voters.

(b) This subsection applies to an absentee ballot application from a confined voter or voter caring for a confined person that is sent by fax, mailed, or hand delivered to the circuit court clerk of a county having a consolidated city. An application subject to this subsection that is sent by fax or hand delivered must be received by the circuit court clerk not earlier than ninety (90) days before election day nor later than 10 p.m. on the fifth day before election day. An application subject to this subsection that is mailed must be received by the circuit court clerk not earlier than ninety (90) days before election day and not later than 10 p.m. on the eighth day before election day.

SECTION 4. IC 3-11-4-6, AS AMENDED BY P.L.126-2002, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies, notwithstanding

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any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.

(b) A county election board shall make blank absentee ballot applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.

(e) Whenever a voter described in subsection (a) files an application for a primary election absentee ballot and indicates on the application that:

- (1) the voter is an absent uniformed services voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;
- (2) the voter is an address confidentiality program participant; or
- (3) the voter is an overseas voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;

the application is an adequate application for a general election absentee ballot under this chapter and an absentee ballot for a special election conducted during the twelve (12) months following the date of the application. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

(f) The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in

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a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

(g) The county election board shall **by fax transmit an absentee ballot to** and receive **an absentee ballots ballot from by fax to** an absent uniformed services voter or an overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

(h) The county election board shall send confirmation to a voter described in subsection (g) that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If the voter does not provide a fax number or an electronic mail address, the county election board shall send the confirmation by United States mail.

The county election board shall send the confirmation required by this subsection not later than the end of the first business day after the county election board receives the voter's absentee ballot.

SECTION 5. IC 3-11-10-17, AS AMENDED BY P.L.126-2002, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, a ballot may not be accepted or counted:

(1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section ~~26~~ 27 of this chapter;

(B) the two (2) members of the absentee voter board visiting

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the voter under section 25(b) of the chapter; or
 (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
 (2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.
 (3) The absentee voter is not a qualified voter in the precinct.
 (4) The absentee voter has voted in person at the election.
 (5) The absentee voter has not registered.
 (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax.
 (7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.
 (8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.
 (9) The ballot has been challenged and not supported.
 (b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:
 (1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or
 (2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:
 (A) in the records of the county voter registration office; or
 (B) on the absentee ballot application.
 (c) The voter may request that the voter's signature or mark be attested to by:
 (1) the absentee voter board under section 25(b) of this chapter;
 (2) a member of the voter's household; or
 (3) an individual serving as attorney in fact for the voter.
 (d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).
 SECTION 6. IC 3-11.5-4-13, AS AMENDED BY P.L.126-2002, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the

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ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or ~~IC 3-11-10-26~~; **IC 3-11-10-27**;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax.

(7) The ballot envelope contains more than one (1) ballot of any kind.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(c) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 7. IC 3-13-9-4, AS AMENDED BY P.L.174-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A vacancy in the town council:

(1) not covered by section 1 of this chapter; or

(2) covered by section 1 of this chapter, but existing after the thirtieth day after the vacancy occurs;

shall be filled by the remaining members of the council at a regular or

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1 special meeting.

2 (b) The town clerk-treasurer shall give notice of the meeting. Except
3 as provided in subsection (d) or (e), the meeting shall be held:

4 (1) within thirty (30) days after the vacancy occurs if the vacancy
5 is not covered by section 1 of this chapter; or

6 (2) within sixty (60) days after the vacancy occurs if the vacancy
7 is covered by section 1 of this chapter and exists for more than
8 thirty (30) days.

9 (c) The notice must:

10 (1) be in writing;

11 (2) state the purpose of the meeting;

12 (3) state the date, time, and place of the meeting; and

13 (4) be sent by first class mail to each council member at least ten

14 (10) days before the meeting.

15 (d) Notwithstanding subsection (b), if a vacancy:

16 (1) is not covered by section 1 of this chapter; and

17 (2) exists because a circumstance has occurred under
18 IC 36-5-2-6.5(2) through ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**;

19 the town council shall meet and select an individual to fill the vacancy
20 not later than thirty (30) days after the town council determines that a
21 circumstance has occurred under IC 36-5-2-6.5(2) through
22 ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**.

23 (e) Notwithstanding subsection (b), if a vacancy:

24 (1) is covered by section 1 of this chapter;

25 (2) exists because a circumstance has occurred under
26 IC 36-5-2-6.5(2) through ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**; and

27 (3) exists for more than thirty (30) days;

28 the council shall meet and select an individual to fill the vacancy not
29 later than sixty (60) days after the town council determines that a
30 circumstance has occurred under IC 36-5-2-6.5(2) through
31 ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**.

32 SECTION 8. IC 3-13-11-3.5, AS ADDED BY P.L.174-2002,
33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 3.5. (a) If a vacancy exists on a town council
35 because a circumstance has occurred under IC 36-5-2-6.5(2) through
36 ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**, the caucus shall meet and select an
37 individual to fill the vacancy not later than thirty (30) days after the
38 county chairman receives a notice of the vacancy under IC 5-8-5. If the
39 vacancy is due to the death of a town council member and the county
40 chairman is aware of the member's death before receiving a notice of
41 the death, the caucus may meet before the county chairman receives the
42 notice of the death.



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(b) The county chairman shall:

(1) give notice of the caucus meeting to caucus members under section 4 of this chapter; and

(2) keep the notice of the vacancy with the records of the caucus.

SECTION 9. IC 4-22-2-37.1, AS AMENDED BY P.L.120-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule jointly adopted by the water pollution control board and the budget agency under IC 13-18-13-18.

(9) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(10) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.

(11) An emergency rule adopted by the Indiana transportation finance authority under IC 8-21-12.

(12) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

(13) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(14) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution

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control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:

- (A) the variance procedures are included in the rules; and
- (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(15) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(16) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(17) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

(18) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(19) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(20) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(21) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(22) After December 31, 2003, an emergency rule adopted by the office of Medicaid policy and planning under IC 12-17.7-2-6 to implement the uninsured parents program.

(23) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(24) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(25) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(b) The following do not apply to rules described in subsection (a):

- (1) Sections 24 through 36 of this chapter.
- (2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The

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agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, and IC 22-8-1.1-16.1, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(14), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. A rule adopted under subsection (a)(14) may be extended for two (2) extension periods. Except for a rule adopted under subsection (a)(14), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

SECTION 10. IC 4-33-12-6, AS AMENDED BY P.L.192-2002(ss), SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsections (c) and (d) and IC 6-3.1-20-7,

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the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

(A) the city in which the riverboat is docked, if the city:

(i) is located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); or

(ii) is contiguous to the Ohio River and is the largest city in the county; and

(B) the county in which the riverboat is docked, if the riverboat is not docked in a city described in clause (A).

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has

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implemented flexible scheduling under IC 4-33-6-21;
shall be paid to the division of mental health and addiction. The
division shall allocate at least twenty-five percent (25%) of the
funds derived from the admissions tax to the prevention and
treatment of compulsive gambling.

(6) Except as provided in subsection (k), sixty-five cents (\$0.65)
of the admissions tax collected by the licensed owner for each
person embarking on a gambling excursion during the quarter or
admitted to a riverboat during the quarter that has implemented
flexible scheduling under IC 4-33-6-21 shall be paid to the
Indiana horse racing commission to be distributed as follows, in
amounts determined by the Indiana horse racing commission, for
the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established
by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse
racing commission under IC 4-31. The commission may make
a grant under this clause only for purses, promotions, and
routine operations of the racetrack. No grants shall be made
for long term capital investment or construction and no grants
shall be made before the racetrack becomes operational and is
offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat that
operates on Patoka Lake, the treasurer of state shall quarterly pay the
following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one
dollar (\$1) of the admissions tax collected for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to the riverboat during the quarter (if the
riverboat has implemented flexible scheduling).

This amount shall be divided equally among the counties
described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under
IC 4-33-15 shall receive one dollar (\$1) of the admissions tax
collected for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to the riverboat during the quarter (if the
riverboat has implemented flexible scheduling).

(3) The resource conservation and development program that:

(A) is established under 16 U.S.C. 3451 et seq.; and

(B) serves the Patoka Lake area;

shall receive forty cents (\$0.40) of the admissions tax collected

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for each person embarking on a gambling excursion during the quarter or admitted to the riverboat during the quarter (if the riverboat has implemented flexible scheduling).

(4) The state general fund shall receive fifty cents (\$0.50) of the admissions tax collected for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to the riverboat during the quarter (if the riverboat has implemented flexible scheduling).

(5) The division of mental health and addiction shall receive ten cents (\$0.10) of the admissions tax collected for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to the riverboat during the quarter (if the riverboat has implemented flexible scheduling).

The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(d) With respect to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the city in which the riverboat is docked.

(2) Except as provided in subsection (k), one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county in which the riverboat is docked.

(3) Except as provided in subsection (k), nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in subsection (k), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

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(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the northwest Indiana law enforcement training center.

(5) Except as provided in subsection (k), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(6) Except as provided in subsection (k), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) Except as provided in subsection (k), sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction, and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(e) Money paid to a unit of local government under subsection (b)(1) through (b)(2), (c)(1), or (d)(1) through (d)(2):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established

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under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5, but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(g) Money received by the division of mental health and addiction under subsections (b)(5), (c)(5), and (d)(6):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) This subsection applies to the following:

(1) Each entity receiving money under subsection (b).

(2) Each entity receiving money under subsection (d)(1) through (d)(2).

(3) Each entity receiving money under subsection (d)(5) through (d)(7).

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under

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1 this subsection to each entity subject to this subsection.

2 (i) This subsection applies to an entity receiving money under
3 subsection (d)(3) or (d)(4). The treasurer of state shall determine the
4 total amount of money paid by the treasurer of state to the entity
5 described in subsection (d)(3) during state fiscal year 2002. The
6 amount determined under this subsection multiplied by nine-tenths
7 (0.9) is the base year revenue for the entity described in subsection
8 (d)(3). The amount determined under this subsection multiplied by
9 one-tenth (0.1) is the base year revenue for the entity described in
10 subsection (d)(4). The treasurer of state shall certify the base year
11 revenue determined under this subsection to each entity subject to this
12 subsection.

13 (j) For state fiscal years beginning after June 30, 2002, the total
14 amount of money distributed to an entity under this section during a
15 state fiscal year may not exceed the entity's base year revenue as
16 determined under subsection (h) or (i). If the treasurer of state
17 determines that the total amount of money distributed to an entity under
18 this section during a state fiscal year is less than the entity's base year
19 revenue, the treasurer of state shall make a supplemental distribution
20 to the entity under IC 4-33-13-5(f).

21 (k) For state fiscal years beginning after June 30, 2002, the treasurer
22 of state shall pay that part of the riverboat admissions taxes that:

23 (1) exceed a particular entity's base year revenue; and

24 (2) would otherwise be due to the entity under this section;

25 to the property tax replacement fund instead of to the entity.

26 SECTION 11. IC 5-2-5-1, AS AMENDED BY P.L.1-2002,
27 SECTION 13, AS AMENDED BY P.L.77-2002, SECTION 1, AND
28 AS AMENDED BY P.L.133-2002, SECTION 1, IS CORRECTED
29 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
30 PASSAGE]: Sec. 1. The following definitions apply throughout this
31 chapter:

32 (1) "Limited criminal history" means information with respect to
33 any arrest criminal charge, which must include a disposition.
34 However, information about any arrest or criminal charge which
35 occurred less than one (1) year before the date of a request shall
36 be considered a limited criminal history even if no disposition has
37 been entered.

38 (2) "Bias crime" means an offense in which the person who
39 committed the offense knowingly or intentionally:

40 (A) selected the person who was injured; or

41 (B) damaged or otherwise affected property;

42 by the offense because of the color, creed, disability, national

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origin, race, religion, or sexual orientation of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

(3) "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children less than eighteen (18) years of age.

(4) "Council" means the security and privacy council created under section 11 of this chapter.

(5) "Criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals. The term consists of the following:

(A) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(B) Information regarding a sex and violent offender (as defined in IC 5-2-12-4) obtained through sex and violent offender registration under IC 5-2-12.

(C) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(6) "Certificated employee" has the meaning set forth in IC 20-7.5-1-2.

(7) "Criminal justice agency" means any agency or department of any level of government whose principal function is the apprehension, prosecution, adjudication, incarceration, probation, rehabilitation, or representation of criminal offenders, the location of parents with child support obligations under 42 U.S.C. 653, the licensing and regulating of riverboat gambling operations, or the licensing and regulating of pari-mutuel horse racing operations. *The term includes the office of the attorney general.* The term includes the Medicaid fraud control unit for the purpose of investigating offenses involving Medicaid. The term includes a nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of

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government.

(8) "Department" means the state police department.

(9) "Disposition" means information disclosing that criminal proceedings have been concluded or indefinitely postponed.

~~(10) "Foreign protection order" has the meaning set forth in IC 34-6-2-48.5.~~

~~(11) "Indiana order" has the meaning set forth in IC 5-2-9-2.1.~~

~~(10) (12)~~ (10) "Inspection" means visual perusal and includes the right to make memoranda abstracts of the information.

~~(11) (13)~~ (11) "Institute" means the Indiana criminal justice institute established under IC 5-2-6.

~~(12) (14)~~ (12) "Law enforcement agency" means an agency or a department of any level of government whose principal function is the apprehension of criminal offenders. *The term includes the office of the attorney general.*

~~(13) (15)~~ (13) "National criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(14) "No contact order" means an order that prohibits a person from having direct or indirect contact with another person and that is issued under:

(A) IC 31-32-13;

(B) IC 31-34-17;

(C) IC 31-34-20;

(D) IC 31-37-16;

(E) IC 31-37-19-1;

(F) IC 31-37-19-6;

(G) IC 33-14-1-7;

(H) IC 35-33-8-3.2; or

(I) IC 35-38-2-2.3.

~~(15) (16)~~ (15) "Noncertificated employee" has the meaning set forth in IC 20-7.5-1-2.

~~(16) (17)~~ (16) "Protective order" has the meaning set forth in IC 5-2-9-2.1. *The term includes a foreign protection order (as defined in IC 34-6-2-48.5).*

~~(17) (18)~~ (17) "Qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services, including a business or an organization that licenses or certifies others to provide care or care placement services.

~~(18) (19)~~ (18) "Release" means the furnishing of a copy, or an

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edited copy, of criminal history data.

~~(19)~~ ~~(20)~~ **(19)** "Reportable offenses" means all felonies and those Class A misdemeanors which the superintendent may designate.
~~(20)~~ ~~(21)~~ **(20)** "Request" means the asking for release or inspection of a limited criminal history by noncriminal justice organizations or individuals in a manner which:

(A) reasonably ensures the identification of the subject of the inquiry; and

(B) contains a statement of the purpose for which the information is requested.

~~(21)~~ ~~(22)~~ **(21)** "School corporation" has the meaning set forth in IC 20-10.1-1-1.

~~(22)~~ ~~(23)~~ **(22)** "Special education cooperative" has the meaning set forth in IC 20-1-6-20.

~~(23)~~ ~~(24)~~ **(23)** "Unidentified person" means a deceased or mentally incapacitated person whose identity is unknown.

~~(24)~~ *"Workplace violence restraining order" means an order issued under IC 34-26-6.*

SECTION 12. IC 5-2-5-5, AS AMENDED BY P.L.1-2002, SECTION 14, AND AS AMENDED BY P.L.116-2002, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has applied for a license and criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that his rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

~~(9)~~ *is employed by an entity that seeks to enter into a contract*



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with a public school (as defined in IC 20-10.1-1-2) or a non-public school (as defined in IC 20-10.1-1-3); if the subject of the request is expected to have direct, ongoing contract with school children within the scope of the subject's employment;

~~(9) (10)~~ (9) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or non-public school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;

~~(10) (11)~~ (10) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;

~~(11) (12)~~ (11) is being sought by the parent locator service of the child support bureau of the division of family and children; ~~or~~

~~(12) (13)~~ (12) is or was required to register as a sex and violent offender under IC 5-2-12; or

~~(13) (14)~~ (13) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a ~~Class A or Class B~~ felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.



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(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 13. IC 5-2-8-1, AS AMENDED BY P.L.20-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this section:

(1) "Abuse" ~~has the meaning set forth in IC 34-6-2-1.~~ **means:**

(A) conduct that causes bodily injury (as defined in IC 35-41-1-4) or damage to property; or

(B) a threat of conduct that would cause bodily injury (as defined in IC 35-41-1-4) or damage to property.

(2) "County law enforcement agency" includes university police officers appointed under IC 20-12-3.5.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-19-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-19-8-6 or IC 33-19-8-4 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-19-8-6 a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-19-5.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning

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the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 14. IC 5-2-8-2, AS AMENDED BY P.L.20-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section:

"Abuse" has the meaning set forth in ~~IC 34-6-2-1~~ **section 1(a) of this chapter.**

"City or town law enforcement agency" includes university police officers appointed under IC 20-12-3.5.



(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-19-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-19-8-4 or IC 33-19-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-19-8-4 a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement officer; and

(B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal

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justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 15. IC 5-2-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) There is established the state police training fund. The fund consists of amounts collected under IC 33-19-5-1(b)(4), IC 33-19-5-2(b)(3), and IC 33-19-5-3(b)(4) on behalf of the state police department.

(b) If the state police department files a claim under IC 33-19-8-4 or IC 33-19-8-6 against a city or town user fee fund or a county user fee fund, the fiscal officer of the city or town or the county auditor shall deposit fees collected under the cause numbers submitted by the state police department into the state police training fund established under this section.

(c) Claims against the state police training fund must be submitted in accordance with IC 5-11-10.

(d) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in the state police training fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of the state's fiscal year, be deposited in the law enforcement training fund established under IC 5-2-1-13(b).

(e) As used in this subsection, "abuse" has the meaning set forth in ~~IC 34-6-2-1~~ **section 1(a) of this chapter**. As a part of the state police department's in-service training, the department shall provide to each law enforcement officer employed by the department continuing education concerning the following:

(1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.

(2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

(A) minimize the likelihood of injury to the law enforcement

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- 1 officer; and
- 2 (B) promote the safety of a victim.
- 3 (4) Information about the nature and extent of the abuse.
- 4 (5) Information about the legal rights of and remedies available
- 5 to victims of abuse.
- 6 (6) How to document and collect evidence in an abuse case.
- 7 (7) The legal consequences of abuse.
- 8 (8) The impact on children of law enforcement intervention in
- 9 abuse cases.
- 10 (9) Services and facilities available to victims of abuse and
- 11 abusers.
- 12 (10) Verification of restraining orders, protective orders,
- 13 temporary injunctions, and permanent injunctions.
- 14 (11) Policies concerning arrest or release of suspects in abuse
- 15 cases.
- 16 (12) Emergency assistance to victims of abuse and criminal
- 17 justice options for victims of abuse.
- 18 (13) Landlord-tenant concerns in abuse cases.
- 19 (14) The taking of an abused child into protective custody.
- 20 (15) Assessment of a situation in which a child may be seriously
- 21 endangered if the child is left in the child's home.
- 22 (16) Assessment of a situation involving an endangered adult (as
- 23 defined in IC 12-10-3-2).
- 24 (17) Response to a sudden, unexpected infant death.

25 The cost of providing continuing education under this subsection shall
 26 be paid from money in the state police training fund.

27 SECTION 16. IC 5-8-5-1, AS ADDED BY P.L.174-2002,
 28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 1. This chapter applies when a vacancy must
 30 be filled under:

- 31 (1) IC 3-13-9; or
- 32 (2) IC 3-13-11;

33 due to a reason set forth in IC 36-5-2-6.5(2) through ~~IC 36-5-2-6.5(4).~~
 34 **IC 36-5-2-6.5(3).**

35 SECTION 17. IC 5-8-5-3, AS ADDED BY P.L.174-2002,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 3. (a) The town council may hold a public
 38 meeting to determine whether a circumstance has occurred under
 39 IC 36-5-2-6.5(2) through ~~IC 36-5-2-6.5(4)~~ **IC 36-5-2-6.5(3)** that results
 40 in a vacancy on the town council. The town council may set a meeting
 41 for making the determination on its own motion, or a person may
 42 petition the town council to set a meeting to make the determination.



1 The town council may grant or deny a petition for a meeting.

2 (b) If a person files a petition with the council, the petition must
3 state the basis for the person's claim that a circumstance has occurred
4 under IC 36-5-2-6.5(2) through ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**.

5 SECTION 18. IC 5-8-5-4, AS ADDED BY P.L.174-2002,
6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 4. (a) If the town council is reasonably
8 satisfied that any circumstance has occurred under IC 36-5-2-6.5(2)
9 through ~~IC 36-5-2-6.5(4)~~; **IC 36-5-2-6.5(3)**, the council may, by an
10 affirmative vote of a majority of the members appointed to the body,
11 vote to declare a vacancy in the town council membership. The
12 member who is alleged to have vacated the member's seat may
13 participate in the meeting as a member, but may not vote on the issue.

14 (b) If the member who is the subject of the petition or motion does
15 not attend the meeting at which the town council makes the
16 determination that a vacancy exists, the town council shall mail notice
17 of its determination to the member.

18 (c) If the town council determines that a vacancy exists, the town
19 clerk-treasurer shall give the circuit court clerk notice of the
20 determination not later than five (5) days after the date of the town
21 council's determination. The circuit court clerk shall give notice to the
22 county chairman if a caucus is required under IC 3-13-11 to fill the
23 vacancy.

24 SECTION 19. IC 5-22-3-4, AS AMENDED BY P.L.31-2002,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 4. (a) Whenever this article requires that
27 notice or other material be sent by mail, the material may be sent by
28 electronic means as stated in any of the following:

- 29 (1) Rules adopted by the governmental body.
- 30 (2) Written policies of the purchasing agency.
- 31 (3) A solicitation.

32 (b) Rules, written policies, and solicitation statements described in
33 subsection (a):

- 34 (1) are subject to this article; and
- 35 (2) must provide that the transmission of information is at least as
36 efficient and secure as sending the material by mail.

37 (c) A governmental body may receive electronic offers if both of the
38 following apply:

- 39 (1) The solicitation indicates the procedure for transmitting the
40 electronic offer to the governmental body.
- 41 (2) The governmental body receives the offer on a fax machine,
42 by ~~e-mail~~, **electronic mail**, or by means of another electronic

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1 system that has a security feature that protects the content of an
 2 electronic offer with the same degree of protection as the content
 3 of an offer that is not transmitted by electronic means.

4 SECTION 20. IC 5-26.5-1-8, AS ADDED BY P.L.133-2002,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 8. For purposes of IC 5-26.5-2-2, "sexual
 7 assault" ~~has the meaning set forth in IC 33-19-4.5-7.~~ **means conduct**
 8 **that constitutes:**

9 (1) a misdemeanor or felony under IC 35-42-4 (sex crimes) or
 10 IC 35-46-1-3 (incest);

11 (2) a misdemeanor or felony under the laws of:

12 (A) the United States;

13 (B) another state; or

14 (C) an Indian tribe;

15 that is substantially similar to an offense described in
 16 subdivision (1); or

17 (3) an attempt to engage in conduct described in subdivision
 18 (1) or (2);

19 regardless of whether the conduct results in criminal prosecution
 20 or whether the person who engages in the conduct is an adult.

21 SECTION 21. IC 5-26.5-1-9, AS ADDED BY P.L.133-2002,
 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 9. For purposes of IC 5-26.5-2-2, "stalking"
 24 ~~has the meaning set forth in IC 33-19-4.5-8.~~ **means conduct that**
 25 **constitutes:**

26 (1) a crime under IC 35-45-10-5 (stalking);

27 (2) a misdemeanor or felony under the laws of:

28 (A) the United States;

29 (B) another state; or

30 (C) an Indian tribe;

31 that is substantially similar to an offense described in
 32 subdivision (1); or

33 (3) an attempt to engage in conduct described in subdivision
 34 (1) or (2);

35 regardless of whether the conduct results in criminal prosecution
 36 or whether the person who engages in the conduct is an adult.

37 SECTION 22. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.90-2002,
 38 SECTION 120, AND AS AMENDED BY P.L.178-2002, SECTION
 39 17, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) For purposes of this
 41 section, "personal property" means personal property other than
 42 inventory (as defined in IC 6-1.1-3-11(a)).



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(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment or new research and development equipment, or both, for which the person desires to claim a deduction under this chapter. The ~~state board of tax commissioners~~ *department of local government finance* shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment or new research and development equipment, or both, that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment or new research and development equipment, or both, and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment or new research and development equipment, or both.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

With the approval of the ~~state board of tax commissioners~~, *department of local government finance*, the statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing

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equipment or new research and development equipment, or both,
is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid
waste or hazardous waste by converting the solid waste or
hazardous waste into energy or other useful products; and

(B) new research and development equipment;
whether the estimate of the number of individuals who will be
employed or whose employment will be retained can be
reasonably expected to result from the installation of the new
manufacturing equipment or new research and development
equipment, or both.

(3) Whether the estimate of the annual salaries of those
individuals who will be employed or whose employment will be
retained can be reasonably expected to result from the proposed
installation of new manufacturing equipment or new research and
development equipment, or both.

(4) With respect to new manufacturing equipment used to dispose
of solid waste or hazardous waste by converting the solid waste
or hazardous waste into energy or other useful products, whether
the estimate of the amount of solid waste or hazardous waste that
will be converted into energy or other useful products can be
reasonably expected to result from the installation of the new
manufacturing equipment.

(5) Whether any other benefits about which information was
requested are benefits that can be reasonably expected to result
from the proposed installation of new manufacturing equipment
or new research and development equipment, or both.

(6) Whether the totality of benefits is sufficient to justify the
deduction.

The designating body may not designate an area an economic
revitalization area or approve the deduction unless it makes the
findings required by this subsection in the affirmative.

(d) *Except as provided in subsection (f), an owner of new
manufacturing equipment whose statement of benefits is approved
before May 1, 1991, is entitled to a deduction from the assessed value
of that equipment for a period of five (5) years.* Except as provided in
subsections (f) and (i); subsection (h), an owner of new manufacturing
equipment or new research and development equipment, or both,
whose statement of benefits is approved after June 30, 2000, is entitled
to a deduction from the assessed value of that equipment for the
number of years determined by the designating body under subsection

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~~(h)~~ (g). Except as provided in ~~subsections~~ subsection (f) ~~and (g)~~, and in section 2(i)(3) of this chapter, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

- (1) the assessed value of the new manufacturing equipment or new research and development equipment, or both, in the year ~~that the equipment is installed;~~ of deduction under the **appropriate table set forth in subsection (e)**; multiplied by
- (2) the percentage prescribed in the **appropriate table set forth in subsection (e)**.

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) For deductions allowed over a six (6) year period:



1	YEAR OF DEDUCTION	PERCENTAGE
2	1st	100%
3	2nd	85%
4	3rd	66%
5	4th	50%
6	5th	34%
7	6th	25%
8	7th and thereafter	0%
9	(7) For deductions allowed over a seven (7) year period:	
10	YEAR OF DEDUCTION	PERCENTAGE
11	1st	100%
12	2nd	85%
13	3rd	71%
14	4th	57%
15	5th	43%
16	6th	29%
17	7th	14%
18	8th and thereafter	0%
19	(8) For deductions allowed over an eight (8) year period:	
20	YEAR OF DEDUCTION	PERCENTAGE
21	1st	100%
22	2nd	88%
23	3rd	75%
24	4th	63%
25	5th	50%
26	6th	38%
27	7th	25%
28	8th	13%
29	9th and thereafter	0%
30	(9) For deductions allowed over a nine (9) year period:	
31	YEAR OF DEDUCTION	PERCENTAGE
32	1st	100%
33	2nd	88%
34	3rd	77%
35	4th	66%
36	5th	55%
37	6th	44%
38	7th	33%
39	8th	22%
40	9th	11%
41	10th and thereafter	0%
42	(10) For deductions allowed over a ten (10) year period:	



	YEAR OF DEDUCTION	PERCENTAGE
1		
2	1st	100%
3	2nd	90%
4	3rd	80%
5	4th	70%
6	5th	60%
7	6th	50%
8	7th	40%
9	8th	30%
10	9th	20%
11	10th	10%
12	11th and thereafter	0%

(f) *With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:*

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

Notwithstanding subsections (d) and (e), a deduction under this section is not allowed in the first year the deduction is claimed for new manufacturing equipment or new research and development equipment, or both, to the extent that it would cause the assessed value of all of the personal property of the owner in the taxing district in which the equipment is located (excluding personal property that is assessed as construction in process) to be less than the assessed value of all of the personal property of the owner in that taxing district (excluding personal property that is assessed as construction in process) in the immediately preceding year.

(g) If a deduction is not fully allowed under subsection (f) in the first year the deduction is claimed, then the percentages specified in subsection (d) or (e) apply in the subsequent years to the amount of deduction that was allowed in the first year.

(h) (g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body



shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the ~~state board of tax commissioners~~ department of local government finance. A certified copy of the resolution shall be sent to the county auditor and the ~~state board of tax commissioners~~ department of local government finance.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

~~(f)~~ (h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

SECTION 23. IC 6-1.1-17-5, AS AMENDED BY P.L.170-2002, SECTION 19, AS AMENDED BY P.L.177-2002, SECTION 6, AND AS AMENDED BY P.L.178-2002, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

(1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.

(2) The fiscal body of a second class city, not later than September 30.

(3) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:

(A) the time required in ~~section 5.6~~ section 5.6(b) of this chapter; or



(B) September 20 if a resolution adopted under section 5.6(d) of this chapter is in effect.

(4) The proper officers of all other political subdivisions, not later than September 20.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

- (1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;
- (2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and
- (3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

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SECTION 24. IC 6-1.1-17-13, AS AMENDED BY P.L.90-2002, SECTION 153, AND AS AMENDED BY P.L.178-2002, SECTION 25, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) *Except as provided in subsection (b), ten (10) or more taxpayers may initiate an appeal from the county board of tax adjustment's action on a political subdivision's budget by filing a statement of their objections with the county auditor. The statement must be filed ~~within~~ not later than ten (10) days after the publication of the notice required by section 12 of this chapter. The statement shall specifically identify the provisions of the budget and tax levy to which the taxpayers object. The county auditor shall forward the statement, with the budget, to the department of local government finance.*

(b) *This subsection applies to provisions of the budget and tax levy of a political subdivision:*

(1) *against which an objection petition was filed under section 5(b) of this chapter; and*

(2) *that were not changed by the fiscal body of the political subdivision after hearing the objections.*

A group of ten (10) or more taxpayers may not initiate an appeal under subsection (a) against provisions of the budget and tax levy if less than seventy-five percent (75%) of the objecting taxpayers with respect to the objection petition filed under section 5(b) of this chapter were objecting taxpayers with respect to the objection statement filed under subsection (a) against those provisions.

SECTION 25. IC 6-1.1-18.5-3, AS AMENDED BY P.L.192-2002(ss), SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as not being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, that was used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of subsection (b) for that preceding calendar year.
STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths



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(1.15) or the quotient (rounded to the nearest ten-thousandth (0.0001)), of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year, divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount determined under subsection (c).

STEP SEVEN: Determine the greater of the amount determined under STEP FIVE or the amount determined under STEP SIX.

(b) Except as otherwise provided in this chapter and IC 6-3.5-8-12, a civil taxing unit that is treated as being located in an adopting county under section 4 of this chapter may not impose an ad valorem property tax levy for an ensuing calendar year that exceeds the amount determined in the last STEP of the following STEPS:

STEP ONE: Add the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year to the part of the civil taxing unit's certified share, if any, used to reduce the civil taxing unit's ad valorem property tax levy under STEP EIGHT of this subsection for that preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient of the assessed value of all taxable property subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year divided by the assessed value of all taxable property that is subject to the civil taxing unit's ad valorem property tax levy for the ensuing calendar year and that is contained within the geographic area that was subject to the civil taxing unit's ad valorem property tax levy in the preceding calendar year.

STEP FOUR: Determine the greater of the amount determined in STEP THREE or one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by

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the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO to the amount determined under subsection (c).

STEP SEVEN: Determine the greater of the amount determined under STEP FIVE or the amount determined under STEP SIX.

STEP EIGHT: Subtract the amount determined under STEP FIVE of subsection (e) from the amount determined under STEP SEVEN of this subsection.

(c) If a civil taxing unit in the immediately preceding calendar year provided an area outside its boundaries with services on a contractual basis and in the ensuing calendar year that area has been annexed by the civil taxing unit, the amount to be entered under STEP SIX of subsection (a) or STEP SIX of subsection (b), as the case may be, equals the amount paid by the annexed area during the immediately preceding calendar year for services that the civil taxing unit must provide to that area during the ensuing calendar year as a result of the annexation. In all other cases, the amount to be entered under STEP SIX of subsection (a) or STEP SIX of subsection (b), as the case may be, equals zero (0).

(d) This subsection applies only to civil taxing units located in a county having a county adjusted gross income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) of one percent (1%) as of January 1 of the ensuing calendar year. For each civil taxing unit, the amount to be added to the amount determined in subsection (e), STEP FOUR, is determined using the following formula:

STEP ONE: Multiply the civil taxing unit's maximum permissible ad valorem property tax levy for the preceding calendar year by two percent (2%).

STEP TWO: For the determination year, the amount to be used as the STEP TWO amount is the amount determined in subsection (f) for the civil taxing unit. For each year following the determination year the STEP TWO amount is the lesser of:

(A) the amount determined in STEP ONE; or

(B) the amount determined in subsection (f) for the civil taxing unit.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the civil taxing unit's certified share for the ensuing calendar year minus the greater of:

(i) the civil taxing unit's certified share for the calendar year that immediately precedes the ensuing calendar year; or

(ii) the civil taxing unit's base year certified share.

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1 STEP FOUR: Determine the greater of:

2 (A) zero (0); or

3 (B) the amount determined in STEP TWO minus the amount
4 determined in STEP THREE.

5 Add the amount determined in STEP FOUR to the amount determined
6 in subsection (e), STEP THREE, as provided in subsection (e), STEP
7 FOUR.

8 (e) For each civil taxing unit, the amount to be subtracted under
9 subsection (b), STEP EIGHT, is determined using the following
10 formula:

11 STEP ONE: Determine the lesser of the civil taxing unit's base
12 year certified share for the ensuing calendar year, as determined
13 under section 5 of this chapter, or the civil taxing unit's certified
14 share for the ensuing calendar year.

15 STEP TWO: Determine the greater of:

16 (A) zero (0); or

17 (B) the remainder of:

18 (i) the amount of federal revenue sharing money that was
19 received by the civil taxing unit in 1985; minus

20 (ii) the amount of federal revenue sharing money that will be
21 received by the civil taxing unit in the year preceding the
22 ensuing calendar year.

23 STEP THREE: Determine the lesser of:

24 (A) the amount determined in STEP TWO; or

25 (B) the amount determined in subsection (f) for the civil taxing
26 unit.

27 STEP FOUR: Add the amount determined in subsection (d),
28 STEP FOUR, to the amount determined in STEP THREE.

29 STEP FIVE: Subtract the amount determined in STEP FOUR
30 from the amount determined in STEP ONE.

31 (f) As used in this section, a taxing unit's "determination year"
32 means the latest of:

33 (1) calendar year 1987, if the taxing unit is treated as being
34 located in an adopting county for calendar year 1987 under
35 section 4 of this chapter;

36 (2) the taxing unit's base year, as defined in section 5 of this
37 chapter, if the taxing unit is treated as not being located in an
38 adopting county for calendar year 1987 under section 4 of this
39 chapter; or

40 (3) the ensuing calendar year following the first year that the
41 taxing unit is located in a county that has a county adjusted gross
42 income tax rate of more than one-half percent (0.5%) on July 1 of

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that year.

The amount to be used in subsections (d) and (e) for a taxing unit depends upon the taxing unit's certified share for the ensuing calendar year, the taxing unit's determination year, and the county adjusted gross income tax rate for resident county taxpayers (as defined in IC 6-3.5-1.1-1) that is in effect in the taxing unit's county on July 1 of the year preceding the ensuing calendar year. For the determination year and the ensuing calendar years following the taxing unit's determination year, the amount is the taxing unit's certified share for the ensuing calendar year multiplied by the appropriate factor prescribed in the following table:

COUNTIES WITH A TAX RATE OF 1/2%

	Subsection (e)
Year	Factor
For the determination year and each ensuing calendar year following the determination year	0

COUNTIES WITH A TAX RATE OF 3/4%

	Subsection (e)
Year	Factor
For the determination year and each ensuing calendar year following the determination year	1/2

COUNTIES WITH A TAX RATE OF 1.0%

	Subsection (d)	Subsection (e)
Year	Factor	Factor
For the determination year	1/6	1/3
For the ensuing calendar year following the determination year	1/4	1/3
For the ensuing calendar year following the determination year by two (2) years	1/3	1/3

SECTION 26. IC 6-1.1-21-5, AS AMENDED BY P.L.192-2002(ss), SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each year the taxpayers of each county shall receive a credit for property tax replacement in the amount of each taxpayer's property tax replacement credit amount for taxes which under IC 6-1.1-22-9 are due and payable in May and November of that year. The credit shall be applied to each installment of taxes. The dollar amount of the credit for each taxpayer shall be determined by the county auditor, based on data furnished by the department of local government finance.

(b) The tax liability of a taxpayer for the purpose of computing the credit for a particular year shall be based upon the taxpayer's tax



liability as is evidenced by the tax duplicate for the taxes payable in that year, plus the amount by which the tax payable by the taxpayer had been reduced due to the application of county adjusted gross income tax revenues to the extent the county adjusted gross income tax revenues were included in the determination of the total county tax levy for that year, as provided in sections 2(g) and 3 of this chapter, adjusted, however, for any change in assessed valuation which may have been made pursuant to a post-abstract adjustment if the change is set forth on the tax statement or on a corrected tax statement stating the taxpayer's tax liability, as prepared by the county treasurer in accordance with IC 6-1.1-22-8(a). However, except when using the term under section 2(l)(1) of this chapter, the tax liability of a taxpayer does not include the amount of any property tax owed by the taxpayer that is attributable to that part of any property tax levy subtracted under section 2(g)(1)(B), 2(g)(1)(C), 2(g)(1)(D), 2(g)(1)(E), 2(g)(1)(F), 2(g)(1)(G), ~~2(g)(1)(H)~~, **2(g)(1)(H)**, 2(g)(1)(I), 2(g)(1)(J), or 2(g)(1)(K) of this chapter in computing the total county tax levy.

(c) The credit for taxes payable in a particular year with respect to mobile homes which are assessed under IC 6-1.1-7 is equivalent to the taxpayer's property tax replacement credit amount for the taxes payable with respect to the assessments plus the adjustments stated in this section.

(d) Each taxpayer in a taxing district that contains all or part of an economic development district that meets the requirements of section 5.5 of this chapter is entitled to an additional credit for property tax replacement. This credit is equal to the product of:

- (1) the STEP TWO quotient determined under section 4(a)(3) of this chapter for the taxing district; multiplied by
- (2) the taxpayer's taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

SECTION 27. IC 6-1.1-21.2-4, AS AMENDED BY P.L.192-2002(ss), SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~As~~ **As** used in this chapter, "base assessed value" means the base assessed value as that term is defined or used in:

- (1) IC 8-22-3.5-9(a);
- (2) IC 36-7-14-39(a);
- (3) IC 36-7-14-39.3(c);
- (4) IC 36-7-14.5-12.5;
- (5) IC 36-7-15.1-26(a);
- (6) IC 36-7-15.-1-26.2(c);
- (7) IC 36-7-15.1-35(a);



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- (8) IC 36-7-15.1-53;
- (9) IC 36-7-15.1-55(c);
- (10) IC 36-7-30-25(a)(2); or
- (11) IC 36-7-30-26(c).

SECTION 28. IC 6-1.1-24-7, AS AMENDED BY P.L.139-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

- (1) first, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter;
- (2) second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b); and
- (3) third, to a separate "tax sale surplus fund".

(b) The:

- (1) owner of record of the real property at the time the tax deed is issued who is divested of ownership by the issuance of a tax deed;
- or

(2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property; may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(c) If the person described in subsection (b)(1) acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter, the county auditor may not issue a warrant to the person unless the person is named on a tax sale surplus fund disclosure form filed with the county auditor under IC 32-2-8 (**repealed**).

(d) An amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection (b) if it is not claimed within the three (3) year period after the date of its receipt.

(e) If an amount applied to taxes under this section is later paid out of the county general fund to the purchaser or the purchaser's successor due to the invalidity of the sale, all the taxes shall be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.

(f) When a refund is made to any purchaser or purchaser's successor by reason of the invalidity of a sale, the county auditor shall, at the December settlement immediately following the refund, deduct the

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amount of the refund from the gross collections in the taxing district in which the land lies and shall pay that amount into the county general fund.

SECTION 29. IC 6-1.1-25-5.5, AS AMENDED BY P.L.1-2002, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) The deed given by the county auditor to a county ~~which that~~ acquired property under IC 6-1.1-24-6, or to a city agency ~~which that~~ acquired property under IC 36-7-17, shall be in a form prescribed by the state board of accounts and approved by the attorney general.

(b) The deed given by the county auditor to a city that ~~acquires~~ **acquired** property under IC 6-1.1-24-6.6 **before its expiration and repeal** must be in a form prescribed by the state board of accounts and approved by the attorney general.

SECTION 30. IC 6-1.1-25-8, AS AMENDED BY P.L.1-2002, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Each county auditor shall maintain a tax sale record on the form prescribed by the state board of accounts. The record shall contain:

- (1) a description of each parcel of real property that is sold under ~~IC~~ IC 6-1.1-24;
- (2) the name of the owner of the real property at the time of the sale;
- (3) the date of the sale;
- (4) the name and mailing address of the purchaser and the purchaser's assignee, if any;
- (5) the amount of the minimum bid;
- (6) the amount for which the real property is sold;
- (7) the amount of any taxes paid by the purchaser or the purchaser's assignee and the date of the payment;
- (8) the amount of any costs certified to the county auditor under section 2(e) of this chapter and the date of the certification;
- (9) the name of the person, if any, who redeems the property;
- (10) the date of redemption;
- (11) the amount for which the property is redeemed;
- (12) the date a deed, if any, to the real property is executed; and
- (13) the name of the grantee in the deed.

SECTION 31. IC 6-1.5-5-1, AS AMENDED BY P.L.178-2002, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The Indiana board shall conduct impartial review of all appeals of final determinations of the department of local government finance made under the following:

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(1) IC 6-1.1-8.

(2) IC 6-1.1-12.1.

(3) IC 6-1.1-14.

(4) IC 6-1.1-16.

(5) IC 6-1.1-26-2.

(b) Each notice of final determination issued by the department of local government finance under a statute listed in subsection (a) must give the taxpayer notice of:

(1) the opportunity for review under this section; and

(2) the procedures the taxpayer must follow in order to obtain review under this section.

(c) Except as provided in subsections (e) and (f), in order to obtain a review by the Indiana board under this section, the taxpayer must file a petition for review with the appropriate county assessor within forty-five (45) days after the notice of the department of local government finance's action is given to the taxpayer.

(d) The county assessor shall transmit a petition for review under subsection (c) to the Indiana board within ten (10) days after it is filed.

(e) In order to obtain a review by the Indiana board of an appeal of a final determination of the department of local government finance under IC 6-1.1-8-30, the public utility company must follow the procedures in IC 6-1.1-8-30.

(f) In order to obtain a review by the Indiana board of an appeal of a final determination of the department of local government finance under IC 6-1.1-12.1-5.7(h) **(repealed)** the person must follow the procedures in IC 6-1.1-12.1-5.7(h) **(repealed)**.

SECTION 32. IC 6-2.5-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A person is entitled to a refund from the department if:

(1) a retail merchant erroneously or illegally collects state gross retail or use taxes under this article from the person;

(2) the retail merchant remits the taxes to the department;

(3) the retail merchant does not refund the taxes to the person; and

(4) the person properly applies for the refund under the refund provisions of the gross income tax law contained in IC 6-2.1 **(repealed)**.

SECTION 33. IC 6-3-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) At the election of the taxpayer, there shall be allowed, as a credit against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, an amount (subject to the applicable limitations provided by this section) equal to fifty percent (50%) of the aggregate amount of

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charitable contributions made by such taxpayer during such year to institutions of higher education located within Indiana, to any corporation or foundation organized and operated solely for the benefit of any such institution of higher education, or to the associated colleges of Indiana.

(b) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed one hundred dollars (\$100) in the case of a single return or two hundred dollars (\$200) in the case of a joint return.

(c) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed:

(1) ten percent (10%) of such corporation's total adjusted gross income tax under IC 6-3-1 through IC 6-3-7 for such year (as determined without regard to any credits against that tax); or

(2) one thousand dollars (\$1,000);

whichever is less.

(d) For purposes of this section, the term "institution of higher education" means any educational institution located within Indiana:

(1) which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on;

(2) which regularly offers education at a level above the twelfth grade;

(3) which regularly awards either associate, bachelors, masters, or doctoral degrees, or any combination thereof; and

(4) which is duly accredited by the North Central Association of Colleges and Schools, the Indiana state board of education, or the American Association of Theological Schools.

(e) The credit allowed by this section shall not exceed the amount of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(f) Any taxpayer subject to an income tax under the provisions of IC 6-2.1 (**repealed**) as well as under the provisions of IC 6-3-1 through IC 6-3-7 may elect to claim the credit allowed by this section against the income tax imposed by IC 6-2.1 (**repealed**), but in no event shall a credit be claimed against both such taxes.

SECTION 34. IC 6-3-3-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) At the election of the taxpayer, a credit against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, is permitted in an amount (subject to the applicable limitations provided by this

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section) equal to fifty percent (50%) of the aggregate amount of contributions made by the taxpayer during the taxable year to the twenty-first century scholars program support fund established under IC 20-12-70.1-5.

(b) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year may not exceed:

- (1) one hundred dollars (\$100) in the case of a single return; or
- (2) two hundred dollars (\$200) in the case of a joint return.

(c) In the case of a taxpayer that is a corporation, the amount allowable as a credit under this section for any taxable year may not exceed the lesser of the following amounts:

- (1) Ten percent (10%) of the corporation's total adjusted gross income tax under IC 6-3-1 through IC 6-3-7 for the taxable year (as determined without regard to any credits against that tax).
- (2) One thousand dollars (\$1,000).

(d) The credit permitted under this section may not exceed the amount of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(e) Any taxpayer subject to an income tax under IC 6-2.1 (**repealed**) as well as under IC 6-3-1 through IC 6-3-7 may elect to claim the credit allowed by this section against the income tax imposed by IC 6-2.1, but may not claim a credit against both of these taxes.

SECTION 35. IC 6-3-3-10, AS AMENDED BY P.L.14-2000, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section:

"Base period wages" means the following:

- (1) In the case of a taxpayer other than a pass through entity, wages paid or payable by a taxpayer to its employees during the year that ends on the last day of the month that immediately precedes the month in which an enterprise zone is established, to the extent that the wages would have been qualified wages if the enterprise zone had been in effect for that year. If the taxpayer did not engage in an active trade or business during that year in the area that is later designated as an enterprise zone, then the base period wages equal zero (0). If the taxpayer engaged in an active trade or business during only part of that year in an area that is later designated as an enterprise zone, then the department shall determine the amount of base period wages.

- (2) In the case of a taxpayer that is a pass through entity, base

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- 1 period wages equal zero (0).
- 2 "Enterprise zone" means an enterprise zone created under IC 4-4-6.1.
- 3 "Enterprise zone adjusted gross income" means adjusted gross
4 income of a taxpayer that is derived from sources within an enterprise
5 zone. Sources of adjusted gross income shall be determined with
6 respect to an enterprise zone, to the extent possible, in the same manner
7 that sources of adjusted gross income are determined with respect to
8 the state of Indiana under IC 6-3-2-2.
- 9 "Enterprise zone gross income" means gross income of a taxpayer
10 that is derived from sources within an enterprise zone.
- 11 "Enterprise zone insurance premiums" means insurance premiums
12 derived from sources within an enterprise zone.
- 13 "Monthly base period wages" means base period wages divided by
14 twelve (12).
- 15 "Pass through entity" means a:
- 16 (1) corporation that is exempt from the adjusted gross income tax
17 under IC 6-3-2-2.8(2);
- 18 (2) partnership;
- 19 (3) trust;
- 20 (4) limited liability company; or
- 21 (5) limited liability partnership.
- 22 "Qualified employee" means an individual who is employed by a
23 taxpayer and who:
- 24 (1) has his principal place of residence in the enterprise zone in
25 which he is employed;
- 26 (2) performs services for the taxpayer, ninety percent (90%) of
27 which are directly related to the conduct of the taxpayer's trade or
28 business that is located in an enterprise zone;
- 29 (3) performs at least fifty percent (50%) of his services for the
30 taxpayer during the taxable year in the enterprise zone; and
- 31 (4) in the case of an individual who is employed by a taxpayer that
32 is a pass through entity, was first employed by the taxpayer after
33 December 31, 1998.
- 34 "Qualified increased employment expenditures" means the following:
- 35 (1) For a taxpayer's taxable year other than his taxable year in
36 which the enterprise zone is established, the amount by which
37 qualified wages paid or payable by the taxpayer during the taxable
38 year to qualified employees exceeds the taxpayer's base period
39 wages.
- 40 (2) For the taxpayer's taxable year in which the enterprise zone is
41 established, the amount by which qualified wages paid or payable
42 by the taxpayer during all of the full calendar months in the

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taxpayer's taxable year that succeed the date on which the enterprise zone was established exceed the taxpayer's monthly base period wages multiplied by that same number of full calendar months.

"Qualified state tax liability" means a taxpayer's total income tax liability incurred under:

- (1) IC 6-2.1 (gross income tax) **(repealed)** with respect to enterprise zone gross income;
- (2) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax) with respect to enterprise zone adjusted gross income;
- (3) IC 27-1-18-2 (insurance premiums tax) with respect to enterprise zone insurance premiums; and
- (4) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this section.

"Qualified wages" means the wages paid or payable to qualified employees during a taxable year.

"Taxpayer" includes a pass through entity.

(b) A taxpayer is entitled to a credit against the taxpayer's qualified state tax liability for a taxable year in the amount of the lesser of:

- (1) the product of ten percent (10%) multiplied by the qualified increased employment expenditures of the taxpayer for the taxable year; or
- (2) one thousand five hundred dollars (\$1,500) multiplied by the number of qualified employees employed by the taxpayer during the taxable year.

(c) The amount of the credit provided by this section that a taxpayer uses during a particular taxable year may not exceed the taxpayer's qualified state tax liability for the taxable year. If the credit provided by this section exceeds the amount of that tax liability for the taxable year it is first claimed, then the excess may be carried back to preceding taxable years or carried over to succeeding taxable years and used as a credit against the taxpayer's qualified state tax liability for those taxable years. Each time that the credit is carried back to a preceding taxable year or carried over to a succeeding taxable year, the amount of the carryover is reduced by the amount used as a credit for that taxable year. Except as provided in subsection (e), the credit provided by this section may be carried forward and applied in the ten (10) taxable years that succeed the taxable year in which the credit accrues. The credit provided by this section may be carried back and applied in the three (3) taxable years that precede the taxable year in which the



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1 credit accrues.

2 (d) A credit earned by a taxpayer in a particular taxable year shall be
3 applied against the taxpayer's qualified state tax liability for that
4 taxable year before any credit carryover or carryback is applied against
5 that liability under subsection (c).

6 (e) Notwithstanding subsection (c), if a credit under this section
7 results from wages paid in a particular enterprise zone, and if that
8 enterprise zone terminates in a taxable year that succeeds the last
9 taxable year in which a taxpayer is entitled to use the credit carryover
10 that results from those wages under subsection (c), then the taxpayer
11 may use the credit carryover for any taxable year up to and including
12 the taxable year in which the enterprise zone terminates.

13 (f) A taxpayer is not entitled to a refund of any unused credit.

14 (g) A taxpayer that:

- 15 (1) does not own, rent, or lease real property outside of an
- 16 enterprise zone that is an integral part of its trade or business; and
- 17 (2) is not owned or controlled directly or indirectly by a taxpayer
- 18 that owns, rents, or leases real property outside of an enterprise
- 19 zone;

20 is exempt from the allocation and apportionment provisions of this
21 section.

22 (h) If a pass through entity is entitled to a credit under subsection (b)
23 but does not have state tax liability against which the tax credit may be
24 applied, an individual who is a shareholder, partner, beneficiary, or
25 member of the pass through entity is entitled to a tax credit equal to:

- 26 (1) the tax credit determined for the pass through entity for the
- 27 taxable year; multiplied by
- 28 (2) the percentage of the pass through entity's distributive income
- 29 to which the shareholder, partner, beneficiary, or member is
- 30 entitled.

31 The credit provided under this subsection is in addition to a tax credit
32 to which a shareholder, partner, beneficiary, or member of a pass
33 through entity is entitled. However, a pass through entity and an
34 individual who is a shareholder, partner, beneficiary, or member of a
35 pass through entity may not claim more than one (1) credit for the
36 qualified expenditure.

37 SECTION 36. IC 6-3-4-4.1, AS AMENDED BY P.L.192-2002(ss),
38 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 4.1. (a) This section applies to taxable years
40 beginning after December 31, 1993.

41 (b) Any individual required by the Internal Revenue Code to file
42 estimated tax returns and to make payments on account of such

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1 estimated tax shall file estimated tax returns and make payments of the
 2 tax imposed by this article to the department at the time or times and
 3 in the installments as provided by Section 6654 of the Internal Revenue
 4 Code. However, in applying Section 6654 of the Internal Revenue Code
 5 for the purposes of this article, "estimated tax" means the amount
 6 which the individual estimates as the amount of the adjusted gross
 7 income tax imposed by this article for the taxable year, minus the
 8 amount which the individual estimates as the sum of any credits against
 9 the tax provided by IC 6-3-3.

10 (c) Every individual who has adjusted gross income subject to the tax
 11 imposed by this article and from which tax is not withheld under the
 12 requirements of section 8 of this chapter shall make a declaration of
 13 estimated tax for the taxable year. However, no such declaration shall
 14 be required if the estimated tax can reasonably be expected to be less
 15 than four hundred dollars (\$400). In the case of an underpayment of the
 16 estimated tax as provided in Section 6654 of the Internal Revenue
 17 Code, there shall be added to the tax a penalty in an amount prescribed
 18 by IC 6-8.1-10-2.1(b).

19 (d) Every corporation subject to the adjusted gross income tax
 20 liability imposed by ~~IC 6-3~~ **this article** shall be required to report and
 21 pay an estimated tax equal to twenty-five percent (25%) of such
 22 corporation's estimated adjusted gross income tax liability for the
 23 taxable year. A taxpayer who uses a taxable year that ends on
 24 December 31 shall file the taxpayer's estimated adjusted gross income
 25 tax returns and pay the tax to the department on or before April 20,
 26 June 20, September 20, and December 20 of the taxable year. If a
 27 taxpayer uses a taxable year that does not end on December 31, the due
 28 dates for filing estimated adjusted gross income tax returns and paying
 29 the tax are on or before the twentieth day of the fourth, sixth, ninth, and
 30 twelfth months of the taxpayer's taxable year. The department shall
 31 prescribe the manner and forms for such reporting and payment.

32 (e) The penalty prescribed by IC 6-8.1-10-2.1(b) shall be assessed by
 33 the department on corporations failing to make payments as required
 34 in subsection (d) or (g). However, no penalty shall be assessed as to any
 35 estimated payments of adjusted gross income tax plus utility receipts
 36 tax which equal or exceed:

37 (1) twenty percent (20%) of the final tax liability for such taxable
 38 year; or

39 (2) twenty-five percent (25%) of the final tax liability for the
 40 taxpayer's previous taxable year.

41 In addition, the penalty as to any underpayment of tax on an estimated
 42 return shall only be assessed on the difference between the actual

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amount paid by the corporation on such estimated return and twenty-five percent (25%) of the corporation's final adjusted gross income tax liability for such taxable year.

(f) The provisions of subsection (d) requiring the reporting and estimated payment of adjusted gross income tax shall be applicable only to corporations having an adjusted gross income tax liability which, after application of the credit allowed by IC 6-3-3-2 (**repealed**), shall exceed one thousand dollars (\$1,000) for its taxable year.

(g) If the department determines that a corporation's:

(1) estimated quarterly adjusted gross income tax liability for the current year; or

(2) average estimated quarterly adjusted gross income tax liability for the preceding year;

exceeds, before January 1, 1998, twenty thousand dollars (\$20,000), and, after December 31, 1997, ten thousand dollars (\$10,000), after the credit allowed by IC 6-3-3-2 (**repealed**), the corporation shall pay the estimated adjusted gross income taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or overnight by courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(h) If a corporation's adjusted gross income tax payment is made by electronic funds transfer, the corporation is not required to file an estimated adjusted gross income tax return.

SECTION 37. IC 6-3.1-11-22, AS AMENDED BY P.L.192-2002(ss), SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) A credit to which a taxpayer is entitled under this chapter shall be applied against taxes owed by the taxpayer in the following order:

(1) Against the taxpayer's adjusted gross income tax liability (IC 6-3-1 through IC 6-3-7) for the taxable year. ~~liability~~

(2) Against the taxpayer's insurance premiums tax liability (IC 27-1-18-2) for the taxable year.

(3) Against the taxpayer's financial institutions tax (IC 6-5.5) for the taxable year.

(b) Whenever the tax paid by the taxpayer under any of the tax provisions listed in subsection (a) is a credit against the liability or a deduction in determining the tax base under another Indiana tax provision, the credit or deduction shall be computed without regard to the credit to which a taxpayer is entitled under this chapter.

SECTION 38. IC 6-3.1-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The credit

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provided under section 7 of this chapter is in addition to a tax credit to which a shareholder, partner, or member of a pass through entity is otherwise entitled under IC 6-2.1 (**repealed**), IC 6-3, this article, or IC 6-5.5. However, a pass through entity and a shareholder, partner, or member of the pass through entity may not claim more than one (1) credit for the same qualified expenditure.

SECTION 39. IC 6-3.5-1.1-2.9, AS ADDED BY P.L.178-2002, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.9. (a) This section applies to a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000).

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, remodel, or equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs; and
- (2) repay bonds issued or leases entered into for constructing, acquiring, improving, renovating, remodeling, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(c) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed under this section may be imposed only until the later of the date on which the financing on, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) are completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b) are fully paid. The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty-five (25) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection ~~(b)~~: **(c)**. The tax rate may not be imposed at a rate greater than is necessary to pay

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the costs of financing, acquiring, improving, renovating, remodeling, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(e) The county treasurer shall establish a county jail revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for purposes described in subsection (b).

(g) A county described in subsection (a) possesses unique governmental and economic development challenges due to:

- (1) underemployment in relation to similarly situated counties and the loss of a major manufacturing business;
- (2) an increase in property taxes for taxable years after December 31, 2000, for the construction of a new elementary school; and
- (3) overcrowding of the county jail, the costs associated with housing the county's inmates outside the county, and the potential unavailability of additional housing for inmates outside the county.

The use of county adjusted gross income tax revenues as provided in this chapter is necessary for the county to provide adequate jail capacity in the county and to maintain low property tax rates essential to economic development. The use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, remodeling, and equipping described in subsection (b), rather than the use of property taxes, promotes those purposes.

(h) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

- (1) the redemption of bonds issued; or
- (2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

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1 SECTION 40. IC 6-3.5-1.1-3.6, AS ADDED BY P.L.178-2002,
 2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 3.6. (a) This section applies only to a county
 4 having a population of more than six thousand (6,000) but less than
 5 eight thousand (8,000).

6 (b) The county council may, by ordinance, determine that additional
 7 county adjusted gross income tax revenue is needed in the county to:

8 (1) finance, construct, acquire, improve, renovate, or equip the
 9 county courthouse; and

10 (2) repay bonds issued, or leases entered into, for constructing,
 11 acquiring, improving, renovating, and equipping the county
 12 courthouse.

13 (c) In addition to the rates permitted under section 2 of this chapter,
 14 the county council may impose the county adjusted gross income tax
 15 at a rate of twenty-five hundredths percent (0.25%) on the adjusted
 16 gross income of county taxpayers if the county council makes the
 17 finding and determination set forth in subsection (b). The tax imposed
 18 under this section may be imposed only until the later of the date on
 19 which the financing on, acquisition, improvement, renovation, and
 20 equipping described in subsection (b) is completed or the date on
 21 which the last of any bonds issued or leases entered into to finance the
 22 construction, acquisition, improvement, renovation, and equipping
 23 described in subsection (b) are fully paid. The term of the bonds issued
 24 (including any refunding bonds) or a lease entered into under
 25 subsection (b)(2) may not exceed twenty-two (22) years.

26 (d) If the county council makes a determination under subsection (b),
 27 the county council may adopt a tax rate under subsection ~~(b)~~: **(c)**. The
 28 tax rate may not be imposed for a time greater than is necessary to pay
 29 the costs of financing, constructing, acquiring, renovating, and
 30 equipping the county courthouse.

31 (e) The county treasurer shall establish a county jail revenue fund to
 32 be used only for purposes described in this section. County adjusted
 33 gross income tax revenues derived from the tax rate imposed under this
 34 section shall be deposited in the county jail revenue fund before a
 35 certified distribution is made under section 11 of this chapter.

36 (f) County adjusted gross income tax revenues derived from the tax
 37 rate imposed under this section:

38 (1) may only be used for the purposes described in this section;

39 (2) may not be considered by the department of local government
 40 finance in determining the county's maximum permissible property
 41 tax levy under IC 6-1.1-18.5; and

42 (3) may be pledged to the repayment of bonds issued or leases



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entered into for purposes described in subsection (b).

(g) A county described in subsection (a) possesses unique economic development challenges due to:

- (1) the county's heavy agricultural base;
- (2) the presence of a large amount of state owned property in the county that is exempt from property taxation; and
- (3) recent obligations of the school corporation in the county that have already increased property taxes in the county and imposed additional property tax burdens on the county's agricultural base.

Maintaining low property tax rates is essential to economic development. The use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b), rather than the use of property taxes, promotes that purpose.

(h) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

- (1) the redemption of the bonds issued; or
- (2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 41. IC 6-3.5-1.1-10, AS AMENDED BY P.L.157-2002, SECTION 2, AND AS AMENDED BY P.L.178-2002, SECTION 57, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) *Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.*

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the year in which the*



ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

~~(b)~~ (c) Except for:

(1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

(2) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, or equipping facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

(3) revenue that must be used to pay the costs of construction, improvement, ~~or~~ renovation, or remodeling of a jail and related buildings and parking structures under section 2.7 or 2.9 of this chapter; ~~or~~

~~(3)~~ (4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

(5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under ~~subsection~~ subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

~~(c)~~ (d) All distributions from an account established under section 8



of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 42. IC 6-3.5-6-17, AS AMENDED BY P.L.178-2002, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) ~~Except as provided in section 2-5 of this chapter,~~ Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the department, after reviewing the recommendation of the state budget agency, estimates will be received from that county during the twelve (12) month period beginning July 1 of the immediately preceding calendar year and ending June 30 of the ensuing calendar year.

(b) Before June 16 of each calendar year, the department, after reviewing the recommendation of the state budget agency, shall estimate and certify to the county auditor of each adopting county the amount of county option income tax revenue that will be collected from that county during the twelve (12) month period beginning July 1 of that calendar year and ending June 30 of the immediately succeeding calendar year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified may be adjusted under subsection (c) or (d).

(c) The department may certify to an adopting county an amount that is greater than the estimated twelve (12) month revenue collection if the department, after reviewing the recommendation of the state budget agency, determines that there will be a greater amount of revenue available for distribution from the county's account established under section 16 of this chapter.

(d) The department may certify an amount less than the estimated twelve (12) month revenue collection if the department, after reviewing the recommendation of the state budget agency, determines that a part of those collections needs to be distributed during the current calendar year so that the county will receive its full certified distribution for the current calendar year.

(e) One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first day of each month of that calendar year.

(f) ~~Except as provided in section 2-5 of this chapter,~~ Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the

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1 county as provided in sections 18 and 19 of this chapter.

2 (g) All distributions from an account established under section 16 of
3 this chapter shall be made by warrants issued by the auditor of state to
4 the treasurer of state ordering the appropriate payments.

5 SECTION 43. IC 6-3.5-6-17.6, AS AMENDED BY P.L.120-2002,
6 SECTION 3, AND AS AMENDED BY P.L.178-2002, SECTION 66,
7 IS AND CORRECTED AND AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: Sec. 17.6. (a) This section applies
9 to a county containing a consolidated city.

10 (b) On or before July ~~15~~ 2 of each year, the budget agency shall make
11 the following calculation:

12 STEP ONE: Determine the cumulative balance in a county's
13 account established under section 16 of this chapter as of the end
14 of the current calendar year.

15 STEP TWO: Divide the amount estimated under section 17(b) of
16 this chapter before any adjustments are made under section 17(c)
17 or 17(d) of this chapter by twelve (12).

18 STEP THREE: Multiply the STEP TWO amount by three (3).

19 STEP FOUR: Subtract the amount determined in STEP THREE
20 from the amount determined in STEP ONE.

21 (c) For 1995, the budget agency shall certify the STEP FOUR amount
22 to the county auditor on or before July 15, 1994. Not later than January
23 31, 1995, the auditor of state shall distribute the STEP FOUR amount
24 to the county auditor to be used to retire outstanding obligations for a
25 qualified economic development tax project (as defined in
26 IC 36-7-27-9).

27 (d) After 1995, the STEP FOUR amount shall be distributed to the
28 county auditor in January of the ensuing calendar year. The STEP
29 FOUR amount shall be distributed by the county auditor to the civil
30 taxing units within thirty (30) days after the county auditor receives the
31 distribution. Each civil taxing unit's share equals the STEP FOUR
32 amount multiplied by the quotient of:

33 (1) the maximum permissible property tax levy under IC 6-1.1-18.5
34 for the civil taxing unit, plus, for a county, an amount equal to:

35 (A) the property taxes imposed by the county in 1999 for the
36 county's welfare administration fund; plus

37 (B) after December 31, ~~2002~~, 2004, the greater of zero (0) or the
38 difference between:

39 (i) the county hospital care for the indigent property tax levy
40 imposed by the county in ~~2002~~, 2004 adjusted each year after
41 ~~2002~~ 2004 by the statewide average assessed value growth
42 quotient described in IC 12-16-14-3; minus

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- (ii) the current uninsured parents program property tax levy imposed by the county; divided by
- (2) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county, plus an amount equal to:
- (A) the property taxes imposed by the county in 1999 for the county's welfare administration fund; plus
- (B) after December 31, ~~2002~~, 2004, the greater of zero (0) or the difference between:
- (i) the county hospital care for the indigent property tax levy imposed by the county in ~~2002~~, 2004 adjusted each year after ~~2002~~ 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3; minus
- (ii) the current uninsured parents program property tax levy imposed by the county.

SECTION 44. IC 6-3.5-6-18, AS AMENDED BY P.L.120-2002, SECTION 4, AND AS AMENDED BY P.L.90-2002, SECTION 296, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i); and
- (6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the



1 county's certified distribution for that same calendar year. The county
2 auditor shall distribute amounts retained under this subsection to the
3 county.

4 (d) All certified distribution revenues that are not retained and
5 distributed under subsections (b) and (c) shall be distributed to the civil
6 taxing units of the county as distributive shares.

7 (e) The amount of distributive shares that each civil taxing unit in a
8 county is entitled to receive during a month equals the product of the
9 following:

10 (1) The amount of revenue that is to be distributed as distributive
11 shares during that month; multiplied by

12 (2) A fraction. The numerator of the fraction equals the total
13 property taxes that are first due and payable to the civil taxing unit
14 during the calendar year in which the month falls, plus, for a
15 county, an amount equal to the property taxes imposed by the
16 county in 1999 for the county's welfare fund and welfare
17 administration fund, and after December 31, ~~2002~~, 2004, the
18 greater of zero (0) or the difference between the county hospital
19 care for the indigent property tax levy imposed by the county in
20 ~~2002~~, 2004, adjusted each year after ~~2002~~ 2004 by the statewide
21 average assessed value growth quotient described in
22 IC 12-16-14-3, minus the current uninsured parents program
23 property tax levy imposed by the county. The denominator of the
24 fraction equals the sum of the total property taxes that are first due
25 and payable to all civil taxing units of the county during the
26 calendar year in which the month falls, plus an amount equal to the
27 property taxes imposed by the county in 1999 for the county's
28 welfare fund and welfare administration fund, and after December
29 31, ~~2002~~, 2004, the greater of zero (0) or the difference between
30 the county hospital care for the indigent property tax levy imposed
31 by the county in ~~2002~~, 2004, adjusted each year after ~~2002~~ 2004 by
32 the statewide average assessed value growth quotient described in
33 IC 12-16-14-3, minus the current uninsured parents program
34 property tax levy imposed by the county.

35 (f) The *state board of tax commissioners department of local*
36 *government finance* shall provide each county auditor with the
37 fractional amount of distributive shares that each civil taxing unit in the
38 auditor's county is entitled to receive monthly under this section.

39 (g) Notwithstanding subsection (e), if a civil taxing unit of an
40 adopting county does not impose a property tax levy that is first due
41 and payable in a calendar year in which distributive shares are being
42 distributed under this section, that civil taxing unit is entitled to receive



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a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The ~~state board of tax commissioners~~ *department of local government finance* shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 45. IC 6-3.5-7-15, AS AMENDED BY P.L.192-2002(ss), SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The executive of a county, city, or town may, subject to the use of the certified distribution permitted under sections 25 and 26 of this chapter:

(1) adopt a capital improvement plan specifying the uses of the revenues to be received under this chapter; or

(2) designate the county or a city or town in the county as the recipient of all or a part of its share of the distribution.

(b) If a designation is made under subsection (a)(2), the county treasurer shall transfer the share or part of the share to the designated unit unless that unit does not have a capital improvement plan.

(c) A county, city, or town that fails to adopt a capital improvement plan may not receive:

(1) its fractional amount of the certified distribution; or

(2) any amount designated under subsection ~~(c)(2)~~; **(a)(2)**;



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for the year or years in which the unit does not have a plan. The county treasurer shall retain the certified distribution and any designated distribution for such a unit in a separate account until the unit adopts a plan. Interest on the separate account becomes part of the account. If a unit fails to adopt a plan for a period of three (3) years, then the balance in the separate account shall be distributed to the other units in the county based on property taxes first due and payable to the units during the calendar year in which the three (3) year period expires.

(d) A capital improvement plan must include the following components:

(1) Identification and general description of each project that would be funded by the county economic development income tax.

(2) The estimated total cost of the project.

(3) Identification of all sources of funds expected to be used for each project.

(4) The planning, development, and construction schedule of each project.

(e) A capital improvement plan:

(1) must encompass a period of no less than two (2) years; and

(2) must incorporate projects the cost of which is at least seventy-five percent (75%) of the fractional amount certified distribution expected to be received by the county, city, or town in that period of time.

(f) In making a designation under subsection (a)(2), the executive must specify the purpose and duration of the designation. If the designation is made to provide for the payment of lease rentals or bond payments, the executive may specify that the designation and its duration are irrevocable.

SECTION 46. IC 6-3.5-7-26, AS ADDED BY P.L.192-2002(ss), SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This section applies only to homestead credits for property taxes first due and payable after calendar year 2006.

(b) For purposes of this section, "adopting entity" means: ~~the entity that:~~

(1) **the entity that** adopts an ordinance under IC 6-1.1-12-41(f); or

(2) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in

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IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. An ordinance must be adopted under this subsection after January 1 but before April 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section 16(c) of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used for the purpose provided in subsection (e).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection (g); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16(c) of this chapter to increase the percentage of the homestead credit allowed in the county under IC 6-1.1-20.9 for a year to offset the effect on homesteads in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42. The county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(f) The increased percentage of homestead credit determined by the county auditor under subsection (e) applies uniformly in the county in the calendar year for which the increased percentage is determined.

(g) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. The money shall be distributed to the civil taxing units and school corporations of the

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- (1) as if the money were from property tax collections; and
- (2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit.

SECTION 47. IC 6-5.5-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Notwithstanding any other provision of this article, there is no tax imposed on the adjusted gross income or apportioned income of the following:

- (1) Insurance companies subject to the tax under IC 27-1-18-2 or IC 6-2.1 (**repealed**).
- (2) International banking facilities (as defined in Regulation D of the Board of Governors of the Federal Reserve System).
- (3) Any corporation that is exempt from income tax under Section 1363 of the Internal Revenue Code.
- (4) Any corporation exempt from federal income taxation under the Internal Revenue Code, except for the corporation's unrelated business income. However, this exemption does not apply to a corporation exempt from federal income taxation under Section 501(c)(14) of the Internal Revenue Code.

SECTION 48. IC 6-5.5-9-3, AS AMENDED BY P.L.192-2002(ss), SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. If the tax imposed by this article is held inapplicable or invalid with respect to a taxpayer, then notwithstanding the statute of limitations set forth in IC 6-8.1-5-2(a), the taxpayer is liable for the taxes imposed by for the taxable periods with respect to which the tax under this article is held inapplicable or invalid.

SECTION 49. IC 8-10-5-8.5, AS AMENDED BY P.L.170-2002, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. Port authorities created in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), shall have all the powers of port authorities provided under ~~IC 8-10-5-8~~ **section 8 of this chapter** except the power to exercise eminent domain as provided in section 8(8) of this chapter in any city having a population of:

- (1) more than seventy-five thousand (75,000) but less than ninety thousand (90,000); or
- (2) more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

SECTION 50. IC 9-21-1-2 AS AMENDED BY P.L.128-2002, SECTION 1, AND AS AMENDED BY P.L.143-2002, SECTION 5, IS



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CORRECTED AND AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) *Except as provided in section 3.5 of this chapter*, a local authority may adopt by ordinance additional traffic regulations with respect to ~~streets, and~~ highways under the authority's jurisdiction. An ordinance adopted under this subsection may not conflict with or duplicate a statute.

(b) *After a request has been made at a public meeting or by certified mail to the legislative body (as defined in IC 36-1-2-9) from the property owner, a local authority may adopt by ordinance additional traffic regulations with respect to a private road within the authority's jurisdiction. The ordinance:*

(1) *must require a contractual agreement between the local authority and property owner of the private road setting forth the terms and responsibilities of the additional traffic regulations;*

(2) *must require the contractual agreement required under subdivision (1) to be recorded after passage of the ordinance in the office of the recorder of the county in which the private road is located; and*

(3) *may not conflict with or duplicate state law.*

(c) A fine assessed for a violation of a traffic ordinance adopted by a local authority may be deposited into the general fund of the appropriate political subdivision.

SECTION 51. IC 9-23-3-0.5, AS ADDED BY P.L.78-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, "uniform time standards manual", for purposes of ~~IC 9-23-3-14(c)~~, **section 14(c) of this chapter**, means a schedule established by a manufacturer or distributor setting forth the time allowances for the diagnosis and performance of warranty work and service.

SECTION 52. IC 12-10-6-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001 (RETROACTIVE)]: **Sec. 2.1. (a) An individual who is incapable of residing in the individual's own home may apply for residential care assistance under this section. The determination of eligibility for residential care assistance is the responsibility of the division. Except as provided in subsections (g) and (i), an individual is eligible for residential care assistance if the division determines that the individual:**

(1) **is a recipient of Medicaid or the federal Supplemental Security Income program;**

(2) **is incapable of residing in the individual's own home because of dementia, mental illness, or a physical disability;**



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(3) requires a degree of care less than that provided by a health care facility licensed under IC 16-28; and

(4) can be adequately cared for in a residential care setting.

(b) Individuals suffering from mental retardation may not be admitted to a home or facility that provides residential care under this section.

(c) A service coordinator employed by the division may:

(1) evaluate a person seeking admission to a home or facility under subsection (a); or

(2) evaluate a person who has been admitted to a home or facility under subsection (a), including a review of the existing evaluations in the person's record at the home or facility.

If the service coordinator determines the person evaluated under this subsection is mentally retarded, the service coordinator may recommend an alternative placement for the person.

(d) Except as provided in section 5 of this chapter, residential care consists of only room, board, and laundry, along with minimal administrative direction. State financial assistance may be provided for such care in a boarding or residential home of the applicant's choosing that is licensed under IC 16-28 or a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal. Payment for such care shall be made to the provider of the care according to division directives and supervision. The amount of nonmedical assistance to be paid on behalf of a recipient living in a boarding home, residential home, or Christian Science facility shall be based on the daily rate established by the division. The rate for facilities that are referred to in this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division. The recipient may retain from the recipient's income a monthly personal allowance of fifty-two dollars (\$52). This amount is exempt from income eligibility consideration by the division and may be exclusively used by the recipient for the recipient's personal needs. However, if the recipient's income is less than the amount of the personal allowance, the division shall pay to the recipient the difference between the amount of the personal allowance and the recipient's income. A reserve or an accumulated balance from such a source, together with other sources, may not be allowed to exceed the state's resource allowance allowed for adults eligible for state supplemental assistance or Medicaid as established by the rules of



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the office of Medicaid policy and planning.

(e) In addition to the amount that may be retained as a personal allowance under this section, an individual shall be allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third ($1/3$) of the individual's state and local income tax liability for the calendar quarter in which that month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay any state or local income taxes owed.

(f) In addition to the amounts that may be retained under subsections (d) and (e), an eligible individual may retain a Holocaust victim's settlement payment. The payment is exempt from income eligibility consideration by the division.

(g) The rate of payment to the provider shall be determined in accordance with a prospective prenegotiated payment rate predicated on a reasonable cost related basis, with a growth of profit factor, as determined in accordance with generally accepted accounting principles and methods, and written standards and criteria, as established by the division. The division shall establish an administrative appeal procedure to be followed if rate disagreement occurs if the provider can demonstrate to the division the necessity of costs in excess of the allowed or authorized fee for the specific boarding or residential home. The amount may not exceed the maximum established under subsection (d).

(h) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half ($1/2$) of the remainder of:

(1) gross earned income for that month; minus

(2) the sum of:

(A) sixteen dollars (\$16); plus

(B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus

(C) transportation expenses for that month; plus

(D) any mandatory expenses required by the employer as a condition of employment.

(i) An individual who, before September 1, 1983, has been admitted to a home or facility that provides residential care under this section is eligible for residential care in the home or facility.



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(j) The director of the division may contract with the division of mental health and addiction or the division of disability, aging, and rehabilitative services to purchase services for individuals suffering from mental illness or a developmental disability by providing money to supplement the appropriation for community residential care programs established under IC 12-22-2 or community residential programs established under IC 12-11-1.1-1.

(k) A person with a mental illness may not be placed in a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., unless the facility is licensed under IC 16-28.

SECTION 53. IC 12-13-8-4, AS AMENDED BY P.L.90-2002, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. For taxes first due and payable in 1990, each county shall impose a medical assistance property tax levy equal to the amount determined using the following formula:

STEP ONE: Determine the sum of the amounts that were incurred by the county as determined by the state board of accounts for all medical care, including psychiatric care and institutional psychiatric care, for wards of the county office (described in IC 12-15-2-16) that was provided in 1986, 1987, and 1988.

STEP TWO: Subtract from the amount determined in STEP ONE the sum of:

- (A) the amount of bank taxes (IC 6-5-10) **(repealed)**;
- (B) the amount of savings and loan association taxes (IC 6-5-11) **(repealed)**;
- (C) the amount of production credit association taxes (IC 6-5-12); plus
- (D) the amount of motor vehicle excise taxes (IC 6-6-5);

that were allocated to the county welfare fund and used to pay for the medical care for wards provided in 1986, 1987, and 1988.

STEP THREE: Divide the amount determined in STEP TWO by three (3).

STEP FOUR: Adjust the amount determined in STEP THREE by the amount determined by the department of local government finance under section 6 of this chapter.

STEP FIVE: Multiply the amount determined in STEP FOUR by the greater of:

- (A) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the county for property taxes first due and

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payable in 1990; or

(B) the statewide average assessed value growth quotient using the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for property taxes first due and payable in 1990.

STEP SIX: Multiply the amount determined in STEP FIVE by the statewide average assessed value growth quotient, using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for the year in which the tax levy under this section will be first due and payable.

SECTION 54. IC 12-15-9-0.6, AS ADDED BY P.L.178-2002, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in ~~IC 32-4-1-1~~. **IC 32-17-13.**

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the local office of the division of family and children.

SECTION 55. IC 12-15-12-14, AS AMENDED BY P.L.107-2002, SECTION 11, AND AS AMENDED BY P.L.170-2002, SECTION 81, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to a Medicaid recipient: ~~who~~:

(1) *who* is determined by the office to be eligible for enrollment in a Medicaid managed care program; ~~and~~

(2) *whose Medicaid eligibility is not based on the individual's aged, blind, or disabled status; and*

(3) *who* resides in a county having a population of:

(A) more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000);

(B) more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000);

(C) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

(D) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(E) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Not later than January 1, 2003, the office shall require a recipient described in subsection (a) to enroll in the risk-based managed care program.



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(c) The office:

(1) shall apply to the United States Department of Health and Human Services for any approval necessary; and

(2) may adopt rules under IC 4-22-2; to implement this section.

SECTION 56. IC 12-15-15-1.1, AS AMENDED BY P.L.66-2002, SECTION 5, AND AS AMENDED BY P.L.120-2002, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) This section applies to a hospital that is:

(1) licensed under IC 16-21; and

(2) established and operated under IC 16-22-2, IC 16-22-8, or IC 16-23.

(b) For a state fiscal year ending after June 30, 2000, in addition to reimbursement received under section 1 of this chapter, a hospital is entitled to reimbursement in an amount calculated as follows:

STEP ONE: The office shall identify the aggregate *inpatient hospital* services, ~~reimbursed~~ *reimbursable* under this article *and under the state Medicaid plan, that were provided during the state fiscal year* by hospitals established and operated under IC 16-22-2, IC 16-22-8, and IC 16-23.

STEP TWO: For the aggregate *inpatient hospital* services identified under STEP ONE, the office shall calculate the aggregate payments made under this article *and under the state Medicaid plan* to hospitals established and operated under IC 16-22-2, IC 16-22-8, and IC 16-23, excluding payments under IC 12-15-16, IC 12-15-17, and IC 12-15-19.

STEP THREE: The office shall calculate an amount equal to ~~one~~ *a percentage hundred fifty percent (150%)* of a reasonable estimate of the amount that would have been paid in the aggregate by the office for *the inpatient hospital* services described in STEP ONE under Medicare payment principles. *The office shall apply in this STEP the maximum percentage permitted for the state under federal Medicaid law.*

STEP FOUR: Subtract the amount calculated under STEP TWO from the amount calculated under STEP THREE.

~~STEP FIVE: From the amount calculated under STEP FOUR, allocate to a hospital established and operated under IC 16-22-8 an amount equal to one hundred percent (100%) of the difference between:~~

~~(A) the aggregate payments for covered services made under this article to the hospital during the state fiscal year, excluding~~



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1 *payments under IC 12-15-16, IC 12-15-17, and IC 12-15-19;*
 2 *and*

3 *(B) a reasonable estimate of the amount that would have been*
 4 *paid for the services described in clause (A) under Medicare*
 5 *payment principles.*

6 *The actual distribution of the amount calculated under this STEP*
 7 *to a hospital established and operated under IC 16-22-8 shall be*
 8 *made under the terms and conditions provided for the hospital in*
 9 *the state plan for medical assistance. Payment to a hospital under*
 10 *this STEP is not a condition precedent to the tender of payments*
 11 *to hospitals under STEP SEVEN.*

12 *STEP SIX: Subtract the amount calculated under STEP FIVE from*
 13 *the amount calculated under STEP FOUR.*

14 *STEP SEVEN: FIVE: Distribute an amount equal to the amount*
 15 *calculated under STEP SIX FOUR to the eligible hospitals*
 16 *described in subsection (c) in proportion to each hospital's hospital*
 17 *specific limit under 42 Medicaid shortfall as defined in subsection*
 18 *(f). U.S.C. 1396r-4(g), as determined by the office;*

19 (c) Subject to subsection (e), reimbursement for a state fiscal year
 20 under this section consists of a single payment made after the close of
 21 each state fiscal year. Payment for a state fiscal year ending after June
 22 30, ~~2000~~, 2001, shall be made before December 31 following the state
 23 fiscal year's end. *A payment described in this subsection is not due to*
 24 *a hospital is not eligible for a payment described in this subsection*
 25 *unless an intergovernmental transfer is made under subsection (d).*
 26 *hospital unless:*

27 *(1) the hospital is licensed under IC 16-21 and is established and*
 28 *operated under IC 16-22-2 or IC 16-23; and*

29 *(2) an intergovernmental transfer is made under subsection (d).*

30 (d) Subject to subsection (e), a hospital may make an
 31 intergovernmental transfer under this subsection, or an
 32 intergovernmental transfer may be made on behalf of the hospital, after
 33 the close of each state fiscal year. An intergovernmental transfer under
 34 this subsection ~~shall~~ must be made to the Medicaid indigent care trust
 35 fund in an amount equal to a percentage, as determined by the office,
 36 of the amount to be distributed to the hospital under STEP FIVE of
 37 subsection (b). In determining the percentage, the office shall apply the
 38 same percentage of not more than eighty-five percent (85%) to all
 39 hospitals eligible for reimbursement under STEP FIVE of subsection
 40 (b). The office shall use the intergovernmental transfer to fund
 41 payments made under this section and as otherwise provided under
 42 IC 12-15-20-2(5). *an amount equal to eighty-five percent (85%) of the*



1 *amount to be distributed to the hospital under STEP SEVEN of*
 2 *subsection (b).*

3 *The intergovernmental transfer must be used to fund the state's share*
 4 *of payments under this section; a portion of the state's share of*
 5 *disproportionate share payments under IC 12-15-20-2(2); and a*
 6 *portion of the state's share of funding for the uninsured parents*
 7 *program as provided under IC 12-15-20-2(5).*

8 (e) A hospital making an intergovernmental transfer under subsection
 9 (d) may appeal under IC 4-21.5 the amount determined by the office to
 10 be paid the hospital under STEP ~~SEVEN~~ FIVE of subsection (b). The
 11 periods described in subsections (c) and (d) for the hospital to make an
 12 intergovernmental transfer are tolled pending the administrative appeal
 13 and any judicial review initiated by the hospital under IC 4-21.5. The
 14 distribution to other hospitals under STEP ~~SEVEN~~ FIVE of subsection
 15 (b) may not be delayed due to an administrative appeal or judicial
 16 review instituted by a hospital under this subsection. If necessary, the
 17 office may make a partial distribution to the other eligible hospitals
 18 under STEP ~~SEVEN~~ FIVE of subsection (b) pending the completion of
 19 a hospital's administrative appeal or judicial review, at which time the
 20 remaining portion of the payments due to the eligible hospitals shall be
 21 made. A partial distribution may be based upon estimates and trends
 22 calculated by the office.

23 *(f) The office may not implement this section until the federal Centers*
 24 *for Medicare and Medicaid Services has issued its approval of the*
 25 *amended state plan for medical assistance. The office may determine*
 26 *not to continue to implement this section if federal financial*
 27 *participation is not available. For purposes of this section:*

28 (1) a hospital's Medicaid shortfall is calculated as follows:

29 STEP ONE: The office shall identify the inpatient hospital
 30 services, reimbursable under this article and under the state
 31 Medicaid plan, that were provided during the state fiscal year by
 32 the hospital.

33 STEP TWO: For the inpatient hospital services identified under
 34 STEP ONE, the office shall calculate the payments made under
 35 this article and under the state Medicaid plan to the hospital,
 36 excluding payments under IC 12-15-16, IC 12-15-17, and
 37 IC 12-15-19.

38 STEP THREE: The office shall calculate an amount equal to a
 39 percentage of a reasonable estimate of the amount that would
 40 have been paid by the office for the inpatient hospital services
 41 described in STEP ONE under Medicare payment principles.
 42 The office shall apply in this STEP the maximum percentage



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permitted for the state under federal Medicaid law; and
 (2) a hospital's Medicaid shortfall is equal to the amount by which
 the amount calculated in STEP THREE of subdivision (1) is
 greater than the amount calculated in STEP TWO of subdivision
 (1).

(g) *This subsection applies to the state fiscal year beginning July 1, 2000, and ending June 30, 2001. If federal law will not permit the percentage calculation in STEP THREE of subsection (b) to be applied to all services identified in STEP ONE of subsection (b) for the state fiscal year, the amount attributable to the excluded services to which the percentage calculation does not apply shall be the maximum amount available without causing the entire amount calculated in STEP THREE of subsection (b) to exceed the applicable Medicaid upper payment limit.*

(h) *For purposes of STEP THREE of subsection (b), if federal law limits the calculation of the Medicaid upper payment limit designated for nonstate government owned or operated hospitals to a percentage less than one hundred fifty percent (150%) of a reasonable estimate of reimbursement under Medicare payment principles, the applicable maximum percentage allowed under federal law will be applied.*

SECTION 57. IC 12-15-15-9, AS AMENDED BY P.L.1-2002, SECTION 52, AND AS AMENDED BY P.L.120-2002, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to subsections (e), (f), (g), and (h), for each state fiscal year ending June 30, 1998, June 30, 1999, June 30, 2000, June 30, 2001, ~~and~~ June 30, 2002, June 30, 2003, and June 30, 2004, a hospital is entitled to a payment under this section.

(b) Subject to subsections (e), (f), (g), and (h), total payments to hospitals under this section for a state fiscal year shall be equal to all amounts transferred from the state hospital care for the indigent fund established under IC 12-16 or IC 12-16.1 for Medicaid current obligations during the state fiscal year, including amounts of the fund appropriated for Medicaid current obligations.

(c) The payment due to a hospital under this section must be based on a policy developed by the office. The policy:

- (1) is not required to provide for equal payments to all hospitals;
- (2) must attempt, to the extent practicable as determined by the office, to establish a payment rate that minimizes the difference between the aggregate amount paid under this section to all hospitals in a county for a state fiscal year and the amount of the county's hospital care for the indigent property tax levy for that



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1 state fiscal year; and

2 (3) must provide that no hospital will receive a payment under this
3 section less than the amount the hospital received under
4 ~~IC 12-15-15-8~~ *section 8 of this chapter* for the state fiscal year
5 ending June 30, 1997.

6 (d) Following the transfer of funds under subsection (b), an amount
7 equal to the amount determined in the following STEPS shall be
8 deposited in the Medicaid indigent care trust fund under
9 IC 12-15-20-2(2) and used to fund a portion of the state's share of the
10 disproportionate share payments to providers for the state fiscal year:

11 STEP ONE: Determine the difference between:

12 (A) the amount transferred from the state hospital care for the
13 indigent fund under subsection (b); and

14 (B) thirty-five million dollars (\$35,000,000).

15 STEP TWO: Multiply the amount determined under STEP ONE by
16 the federal medical assistance percentage for the state fiscal year.

17 (e) If funds are transferred under IC 12-16-14.1-2(e), those funds
18 must be used for the state's share of funding for payments to hospitals
19 under this subsection. A payment under this subsection shall be made
20 to all hospitals that received a payment under this section for the state
21 fiscal year beginning July 1, ~~2001~~, 2003, and ending June 30, ~~2002~~
22 2004. Payments under this subsection shall be in proportion to each
23 hospital's payment under this section for the state fiscal year beginning
24 July 1, ~~2001~~, 2003, and ending June 30, ~~2002~~ 2004.

25 (f) If the office does not implement an uninsured parents program as
26 provided for in IC 12-17.7 before July 1, ~~2003~~, 2005, and funds are
27 transferred under IC 12-16-14.1-3, a hospital is entitled to a payment
28 under this section for the state fiscal year beginning on July 1, ~~2002~~
29 2004. Payments under this subsection shall be made after July 1, ~~2003~~
30 2005, but before December 31, ~~2003~~ 2005.

31 (g) If the office does not implement an uninsured parents program as
32 provided for in IC 12-17.7 before July 1, ~~2003~~, 2005, a hospital is
33 entitled to a payment under this section for state fiscal years ending
34 after June 30, ~~2003~~ 2005.

35 (h) If funds are transferred under IC 12-17.7-9-2, those funds shall be
36 used for the state's share of payments to hospitals under this subsection.
37 A payment under this subsection shall be made to all hospitals that
38 received a payment under this section for the state fiscal year beginning
39 July 1, ~~2001~~, 2003, and ending June 30, ~~2002~~ 2004. Payments under
40 this subsection shall be in proportion to each hospital's payment under
41 this section for the state fiscal year beginning July 1, ~~2001~~, 2003, and
42 ending June 30, ~~2002~~ 2004.



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SECTION 58. IC 12-15-35-35, AS AMENDED BY P.L.6-2002, SECTION 3, AND AS AMENDED BY P.L.107-2002, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) Before the board develops a program to place a single source drug on prior approval, restrict the drug in its use, or establish a drug monitoring process or program to measure or restrict utilization of single source drugs other than in the SURS program, the board must meet the following conditions:

(1) Make a determination, after considering evidence and credible information provided to the board by the office and the public, that placing a single source drug on prior approval or restricting the drug's use will not:

(A) impede the quality of patient care in the Medicaid program; or

(B) increase costs in other parts of the Medicaid program, including hospital costs and physician costs.

(2) Meet to review a formulary or a restriction on a single source drug after the office provides at least ~~thirty (30)~~ fifteen (15) days notification to the public that the board will review the formulary or restriction on a single source drug at a particular board meeting. The notification shall contain the following information:

(A) A statement of the date, time, and place at which the board meeting will be convened.

(B) A general description of the subject matter of the board meeting.

(C) An explanation of how a copy of the formulary to be discussed at the meeting may be obtained.

The board shall meet to review the formulary or the restriction on a single source drug at least ~~thirty (30)~~ fifteen (15) days but not more than sixty (60) days after the notification.

(3) Ensure that:

(A) there is access to at least two (2) alternative drugs within each therapeutic classification, if available, on the formulary; and

(B) a process is in place through which a Medicaid recipient has access to medically necessary drugs.

(4) Reconsider the drug's removal from its restricted status or from prior approval not later than six (6) months after the single source drug is placed on prior approval or restricted in its use.

(5) Ensure that the program provides either telephone or FAX approval or denial Monday through Friday, twenty-four (24) hours



a day. The office must provide the approval or denial within twenty-four (24) hours after receipt of a prior approval request. The program must provide for the dispensing of at least a seventy-two (72) hour supply of the drug in an emergency situation or on weekends.

(6) Ensure that any prior approval program or restriction on the use of a single source drug is not applied to prevent acceptable medical use for appropriate off-label indications.

(b) The board shall advise the office on the implementation of any program to restrict the use of brand name multisource drugs.

(c) The board shall consider:

(1) health economic data;

(2) cost data; and

(3) the use of formularies in the non-Medicaid markets;

in developing its recommendations to the office.

SECTION 59. IC 14-22-11-3, AS AMENDED BY P.L.86-2002, SECTION 4, AND AS AMENDED BY P.L.176-2002, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) *An applicant for a hunting, trapping, or fishing license must provide the applicant's Social Security number in the space provided on the application for the license. Social Security numbers acquired under this subsection shall be kept confidential and used only to carry out the purposes of the Title IV-D program.*

(b) The director and agents appointed by the director ~~who are~~ as authorized representatives of the department shall issue hunting, trapping, and fishing licenses.

~~(b)~~ (c) The clerk of the circuit court in each county may issue hunting, trapping, and fishing licenses.

~~(c)~~ (d) Each hunting, trapping, or fishing license must be in a form prescribed by the director and shall be countersigned by the clerk or agent issuing the license. The director shall furnish the clerks and agents with all necessary blank forms.

(e) *A person who violates the confidentiality requirement of subsection (a) commits a Class A infraction.*

SECTION 60. IC 14-27-7.5-9, AS ADDED BY P.L.148-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The owner of a high hazard structure shall:

(1) have a professional engineer licensed under IC 25-31 make a technical inspection of the high hazard structure and prepare or revise the emergency action plan for the structure at least one (1)

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time every two (2) years;

(2) submit a report of the inspection in a form approved by the department to the department. The report must include at least the following information:

(A) An evaluation of the structure's condition, spillway capacity, operational adequacy, and structural integrity.

(B) A determination of whether deficiencies exist that could lead to the failure of the structure, and recommendations for maintenance, repairs, and alterations to the structure to eliminate deficiencies, including a recommended schedule for necessary upgrades to the structure.

(b) If after an inspection under subsection (a) the licensed professional engineer or ~~licensed professional geologist~~ who conducted the inspection determines that maintenance, repairs, or alterations to a high hazard structure are necessary to remedy deficiencies in the structure, the owner shall perform the recommended maintenance, repairs, or alterations.

(c) The department shall issue a notice of violation under section 11 of this chapter to the owner of a high hazard structure who fails to:

(1) have the structure inspected under subsection (a);

(2) perform recommended maintenance, repairs, or alterations to the structure under subsection (b); or

(3) biennially submit the inspection report prepared under subsection (a).

(d) The department may make a technical inspection of a high hazard structure to ensure compliance with this chapter.

SECTION 61. IC 15-4-13-11, AS ADDED BY P.L.175-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "commissioner" refers to the state seed commissioner designated under IC 15-4-1-2.

(b) A seed contract may not give or be interpreted to give a seed supplier or an agent of a seed supplier the right to enter real property owned or occupied by the farmer to acquire samples of the crop grown from the seed or any other plant growing on the real property unless all of the following apply:

(1) The seed supplier gives written notice to the farmer and the commissioner of the seed supplier's intent to enter the real property. The notice must be given not later than five (5) business days before the day the seed supplier or the seed supplier's agent enters the real property. The notice must include the following information:

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- 1 (A) The date and time of the entry upon the land.
 2 (B) The purpose for the entry upon the land.
 3 (2) The seed supplier must permit the farmer, the commissioner, or
 4 the agents of the farmer or the commissioner to accompany the
 5 seed supplier or the seed supplier's agent while samples are taken.
 6 (3) The seed supplier must permit the farmer, the commissioner, or
 7 the agents of the farmer or the commissioner to take matching
 8 samples or receive split samples of any samples taken by the seed
 9 supplier.
 10 (c) The seed supplier must provide reasonable cooperation to the
 11 farmer, the commissioner, or the agents of the farmer or the
 12 commissioner during the course of activities described in subsection
 13 ~~(a)(2)~~ **(b)(2)** and ~~(a)(3)~~ **(b)(3)**.
 14 (d) If the commissioner or an agent of the commissioner accompanies
 15 the seed supplier on the real property to take samples under this
 16 section, the seed supplier and the farmer shall each pay fifty percent
 17 (50%) of the reasonable costs incurred by the commissioner or the
 18 commissioner's agent, as determined by the commissioner, in
 19 connection with such activities.
 20 (e) In an action on the seed contract between the seed supplier and
 21 the farmer, the prevailing party may recover the costs that the
 22 prevailing party paid under subsection (d) in addition to any other
 23 damages to which the prevailing party is entitled.
 24 (f) A seed supplier may obtain an order from a court with jurisdiction
 25 authorizing the seed supplier or the seed supplier's agent to enter real
 26 estate owned or occupied by a farmer where seed that is the subject of
 27 a seed contract is growing. If the court issues such an order, the order
 28 may require that if any samples are taken, matching or split samples
 29 must be taken by a person who is independent from the seed supplier.
 30 (g) The commissioner may adopt rules under IC 4-22-2 to implement
 31 this section.
 32 SECTION 62. IC 16-22-8-43, AS AMENDED BY P.L.192-2002(ss),
 33 SECTION 158, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 43. (a) The board may issue
 35 general obligation bonds of the corporation to procure funds to pay the
 36 cost of acquiring real property or constructing, enlarging, improving,
 37 remodeling, repairing, or equipping buildings and other structures for
 38 use as or in connection with hospitals, clinics, health centers,
 39 dispensaries, or for administrative purposes. The issuance of the bonds
 40 shall be authorized by ordinance of the board providing for the amount,
 41 terms, and tenor of the bonds, for the time and character of notice, and
 42 the mode of making the sale. The bonds shall be payable not more than

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forty (40) years after the date of issuance and shall be executed in the name of the corporation by the chairman of the board and attested by the executive director, who shall affix to each of the bonds the official seal of the corporation. The interest coupons attached to the bonds may be executed by facsimile signature of the chairman of the board.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing ordinance. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- (1) Notice and filing of the petition requesting the issuance of the bonds.
- (2) Notice of determination to issue bonds.
- (3) Notice of hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appeal and be heard.
- (4) Approval by the department of local government finance.
- (5) The right to remonstrate.
- (6) Sale of bonds at public sale for not less than the par value.

(d) The bonds are the direct general obligations of the corporation and are payable out of unlimited ad valorem taxes levied and collected on all the taxable property within the county of the corporation. All officials and bodies having to do with the levying of taxes for the corporation shall see that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment.

(e) The bonds are exempt from taxation for all purposes but the interest is subject to ~~the~~ adjusted gross income tax.

SECTION 63. IC 16-41-39.4-4, AS ADDED BY P.L.99-2002, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Notwithstanding IC 16-41-8-1, the state department, the **office of the secretary of** family and social services, ~~administration~~, and local health departments shall share among

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1 themselves and with the ~~federal~~ **United States** Department of Health
 2 and Human Services information, including a child's name, address,
 3 and demographic information, that is gathered after January 1, 1990,
 4 concerning the concentration of lead in the blood of a child less than
 5 seven (7) years of age to determine the prevalence and distribution of
 6 lead poisoning in children less than seven (7) years of age.

7 (b) Notwithstanding IC 16-41-8-1, the state department, the **office of**
 8 **the secretary of** family and social services, ~~administration~~, and local
 9 health departments shall share information described in subsection (a)
 10 that is gathered after July 1, 2002, with organizations that administer
 11 state and local programs covered by the United States Department of
 12 Housing and Urban Development regulations concerning lead-based
 13 paint poisoning prevention in certain residential structures under 24
 14 CFR Subpart A, Part 35 to ensure that children potentially affected by
 15 lead-based paint and lead hazards are adequately protected from lead
 16 poisoning.

17 (c) A person who shares data under this section is not liable for any
 18 damages caused by compliance with this section.

19 SECTION 64. IC 20-5.5-1-15, AS ADDED BY P.L.100-2001,
 20 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 15. "Sponsor" means, **for a charter school,**
 22 **one (1) of** the following:

23 (1) ~~For a charter school, one (1) of the following:~~ (A) A governing
 24 body.

25 ~~(B)~~ (2) A state educational institution (as defined in
 26 IC 20-12-0.5-1) that offers a four (4) year baccalaureate degree.

27 ~~(C)~~ (3) The executive (as defined in IC 36-1-2-5) of a consolidated
 28 city.

29 SECTION 65. IC 20-9.1-2-12 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Transportation
 31 or Fleet Contracts, Alteration of Routes. The governing body may alter
 32 any school bus route at any time. If the altered route is longer than the
 33 route in the original contract, the school bus driver ~~of or~~ fleet
 34 contractor shall be paid additional compensation for each additional
 35 mile or fraction of a mile. The additional compensation shall be based
 36 on the average rate per mile in the original contract.

37 SECTION 66. IC 20-9.1-3-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. School Bus
 39 Drivers, Physical Fitness Certificate. Every person who is or intends to
 40 become a school bus driver shall obtain a certificate that he possesses
 41 the physical characteristics required by section ~~1(g)~~ **1(7)** of this
 42 chapter. The certificate shall be made by an Indiana physician after the



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1 physician has conducted a physical examination of the driver or
 2 prospective driver. The physician shall be chosen by the driver or
 3 prospective driver who shall pay for the examination.

4 SECTION 67. IC 20-12-21-5.5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. The executive
 6 director may engage personnel, and procure supplies and facilities
 7 necessary to carry out the commission's functions under ~~IC 20-12-21~~
 8 **this chapter** and IC 20-12-21.1. The executive director shall, with
 9 commission approval, appoint a program director to administer
 10 ~~IC 20-12-21~~ **this chapter** and a program director to administer
 11 IC 20-12-21.1.

12 SECTION 68. IC 21-3-1.7-3.1, AS AMENDED BY P.L.85-2002,
 13 SECTION 4, AND AS AMENDED BY P.L.178-2002, SECTION 94,
 14 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) As used in this chapter,
 16 "previous year revenue" for calculations with respect to a school
 17 corporation equals:

18 (1) the school corporation's tuition support for regular programs,
 19 including basic tuition support, and excluding:

20 (A) special education grants;

21 (B) vocational education grants;

22 (C) at-risk programs;

23 (D) the enrollment adjustment grant;

24 (E) for 1999 and thereafter, the academic honors diploma award;
 25 and

26 (F) for 2001 and thereafter, the primetime distribution;
 27 for the year that precedes the current year; plus

28 (2) the school corporation's tuition support levy for the year that
 29 precedes the current year before the reductions required under
 30 section 5(1) and 5(2) ~~and 5(3)~~ of this chapter; plus

31 (3) distributions received by the school corporation under
 32 IC 6-1.1-21.6 for the year that precedes the current year; plus

33 (4) the school corporation's excise tax revenue for the year that
 34 precedes the current year by two (2) years; minus

35 (5) an amount equal to the reduction in the school corporation's
 36 tuition support under subsection (b) or IC 20-10.1-2-1, or both;
 37 *plus*

38 *(6) in calendar year 2003, the amount determined for calendar*
 39 *year 2002 under section 8 of this chapter, STEP TWO (C); plus*

40 *(7) in calendar year 2004, the amount determined for calendar*
 41 *year 2002 under section 8 of this chapter, STEP TWO (D).*

42 (b) A school corporation's previous year revenue shall be reduced if:

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- (1) the school corporation's state tuition support for special or vocational education was reduced as a result of a complaint being filed with the department of education after December 31, 1988, because the school program overstated the number of children enrolled in special or vocational education programs; and
- (2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in tuition support for special and vocational education because of the overstatement.

SECTION 69. IC 21-3-1.7-8, AS AMENDED BY P.L.85-2002, SECTION 7, AND AS AMENDED BY P.L.178-2002, SECTION 95, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Notwithstanding IC 21-3-1.6 and subject to section 9 of this chapter, the state distribution for a calendar year for tuition support for basic programs for each school corporation equals the result determined using the following formula:

STEP ONE:

(A) For a school corporation not described in clause (B), determine the school corporation's result under STEP FIVE of section 6.7(b) of this chapter for the calendar year.

(B) For a school corporation that has target revenue per adjusted ADM for a calendar year that is equal to the amount under STEP ONE (A) of section 6.7(b) of this chapter, determine the sum of:

(i) the school corporation's result under STEP ONE of section 6.7(b) of this chapter for the calendar year; plus

(ii) the amount of the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years; plus

~~(iii) the original amount of an excessive tax levy the school corporation imposed as a result of the passage, during the preceding year, of a referendum under IC 6-1.1-19-4.5(c) for taxes first due and payable during the year; plus~~

~~(iv)~~ (iii) the part of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

STEP TWO: Determine the *remainder of*:

~~(A) the STEP ONE amount; minus~~

~~(B) the sum of:~~



~~(i)~~ (A) the school corporation's tuition support levy; ~~plus~~
~~(ii)~~ (B) the school corporation's excise tax revenue for the year
 that precedes the current year by one (1) year;
 (C) for the last six (6) months of calendar year 2002, the product
 of:

(i) the school corporation's assessed valuation for calendar
 year 2002 divided by one hundred (100); multiplied by

(ii) the lesser of three hundred twenty-eight ten-thousandths
 (0.0328) or the school corporation's capital projects fund tax
 rate for calendar year 2002 multiplied by five-tenths (0.5);
 and

(D) for the first six (6) months of calendar year 2003, the
 product of:

(i) the school corporation's assessed valuation for calendar
 year 2002 divided by one hundred (100); multiplied by

(ii) the lesser of three hundred twenty-eight ten-thousandths
 (0.0328) or the school corporation's capital projects fund tax
 rate for calendar year 2002 multiplied by five-tenths (0.5).

STEP THREE: Determine the remainder of the STEP ONE amount
 minus the STEP TWO result.

If the state tuition support determined for a school corporation under
 this section is negative, the school corporation is not entitled to any
 state tuition support. In addition, the school corporation's maximum
 general fund levy under IC 6-1.1-19-1.5 shall be reduced by the amount
 of the negative result.

SECTION 70. IC 22-4-8-3 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 3. "Employment" shall not
 include the following:

(a) Except as provided in section 2(i) of this chapter, service
 performed prior to January 1, 1978, in the employ of this state, any
 other state, any town or city, or political subdivision, or any
 instrumentality of any of them, other than service performed in the
 employ of a municipally owned public utility as defined in this article;
 or service performed in the employ of the United States of America, or
 an instrumentality of the United States immune under the Constitution
 of the United States from the contributions imposed by this article,
 except that to the extent that the Congress of the United States shall
 permit states to require any instrumentalities of the United States to
 make payments into an unemployment fund under a state
 unemployment compensation statute, all of the provisions of this article
 shall be applicable to such instrumentalities, in the same manner, to the
 same extent, and on the same terms as to all other employers,



1 employing units, individuals, and services. However, if this state shall
 2 not be certified for any year by the Secretary of Labor under Section
 3 3304 of the Internal Revenue Code the payments required of such
 4 instrumentalities with respect to such year shall be refunded by the
 5 commissioner from the fund in the same manner and within the same
 6 period as is provided in IC 22-4-32-19 with respect to contribution
 7 erroneously paid or wrongfully assessed.

8 (b) Service with respect to which unemployment compensation is
 9 payable under an unemployment compensation system established by
 10 an Act of Congress; however, the board is authorized to enter into
 11 agreements with the proper agencies under such Act of Congress,
 12 which agreements shall become effective ten (10) days after
 13 publication thereof in the manner provided in IC 22-4-19-2 for rules of
 14 the board, to provide reciprocal treatment to individuals who have,
 15 after acquiring potential rights to benefits under this article, acquired
 16 rights to unemployment compensation under such Act of Congress, or
 17 who have, after having acquired potential rights to unemployment
 18 compensation under such Act of Congress, acquired rights to benefits
 19 under this article.

20 (c) "Agricultural labor" as provided in section ~~2(1)~~ **2(I)(1)** of this
 21 chapter shall include only services performed:

22 (i) on a farm, in the employ of any person, in connection with
 23 cultivating the soil or in connection with raising or harvesting any
 24 agricultural or horticultural commodity, including the raising,
 25 shearing, feeding, caring for, training, and management of
 26 livestock, bees, poultry, and furbearing animals and wildlife;

27 (ii) in the employ of the owner or tenant or other operator of a
 28 farm, in connection with the operation, management, conservation,
 29 improvement, or maintenance of such farm and its tools and
 30 equipment, or in salvaging timber or clearing land of brush and
 31 other debris left by a hurricane, if the major part of such service is
 32 performed on a farm;

33 (iii) in connection with the production or harvesting of any
 34 commodity defined as an agricultural commodity in Section 15(g)
 35 of the Agricultural Marketing Act, as amended, or in connection
 36 with the operation or maintenance of ditches, canals, reservoirs, or
 37 waterways, not owned or operated for profit, used exclusively for
 38 supplying and storing water for farming purposes;

39 (iv)(A) in the employ of the operator of a farm in handling,
 40 planting, drying, packing, packaging, processing, freezing, grading,
 41 storing, or delivering to storage or to market or to a carrier for
 42 transportation to market, in its unmanufactured state, any



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1 agricultural or horticultural commodity; but only if such operator
2 produced more than one-half (1/2) of the commodity with respect
3 to which such service is performed;

4 (B) in the employ of a group of operators of farms (or a cooperative
5 organization of which such operators are members) in the
6 performance of service described in subdivision (A), but only if
7 such operators produce more than one-half (1/2) of the commodity
8 with respect to which such service is performed;

9 (C) the provisions of subdivisions (A) and (B) shall not be deemed
10 to be applicable with respect to service performed in connection
11 with commercial canning or commercial freezing or in connection
12 with any agricultural or horticultural commodity after its delivery
13 to a terminal market for distribution for consumption; or

14 (v) on a farm operated for profit if such service is not in the course
15 of the employer's trade or business or is domestic service in a
16 private home of the employer.

17 As used in this subsection, "farm" includes stock, dairy, poultry, fruit,
18 furbearing animals, and truck farms, nurseries, orchards, greenhouses,
19 or other similar structures used primarily for the raising of agricultural
20 or horticultural commodities.

21 (d) Domestic service in a private home, local college club, or local
22 chapter of a college fraternity or sorority, except as provided in section
23 2(m) of this chapter.

24 (e) Service performed on or in connection with a vessel or aircraft not
25 an American vessel or American aircraft, if the employee is employed
26 on and in connection with such vessel or aircraft when outside the
27 United States.

28 (f) Service performed by an individual in the employ of child or
29 spouse, and service performed by a child under the age of twenty-one
30 (21) in the employ of a parent.

31 (g) Service not in the course of the employing unit's trade or business
32 performed in any calendar quarter by an individual, unless the cash
33 remuneration paid for such service is fifty dollars (\$50) or more and
34 such service is performed by an individual who is regularly employed
35 by such employing unit to perform such service. For the purposes of
36 this subsection, an individual shall be deemed to be regularly employed
37 to perform service not in the course of an employing unit's trade or
38 business during a calendar quarter only if:

39 (i) on each of some of twenty-four (24) days during such quarter
40 such individual performs such service for some portion of the day;

41 or

42 (ii) such individual was regularly employed (as determined under

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clause (i)) by such employing unit in the performance of such service during the preceding calendar quarter.

(h) Service performed by an individual in any calendar quarter in the employ of any organization exempt from income tax under Section 501 of the Internal Revenue Code (except those services included in sections 2(i) and 2(j) of this chapter if the remuneration for such service is less than fifty dollars (\$50).

(i) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

(j) Service performed in the employ of a school, college, or university if such service is performed:

(i) by a student who is enrolled and is regularly attending classes at such school, college, or university; or

(ii) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

(A) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university; and

(B) such employment will not be covered by any program of unemployment insurance.

(k) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(l) Service performed in the employ of a government foreign to the United States of America, including service as a consular or other officer or employee or a nondiplomatic representative.

(m) Service performed in the employ of an instrumentality wholly owned by a government foreign to that of the United States of America, if the service is of a character similar to that performed in foreign countries by employees of the United States of America or of an instrumentality thereof, and if the board finds that the Secretary of State of the United States has certified to the Secretary of the Treasury of the United States that the government, foreign to the United States, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in such

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country by employees of the United States and of instrumentalities thereof.

(n) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four (4) year course in a medical school chartered or approved pursuant to state law.

(o) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(p)(A) Service performed by an individual under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(B) Services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(q) Service performed in the employ of an international organization.

(r) Except as provided in IC 22-4-7-1, services covered by an election duly approved by the agency charged with the administration of any other state or federal unemployment compensation law in accordance with an arrangement pursuant to IC 22-4-22-1 through IC 22-4-22-5, during the effective period of such election.

(s) If the service performed during one-half (1/2) or more of any pay period by an individual for an employing unit constitutes employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any pay period by such an individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, "pay period" means a period of not more than thirty-one (31) consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit. This subsection shall not be applicable with respect to services performed in a pay period by any such individual where any such service is excepted by subsection (b).



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(t) Service performed by an inmate of a custodial or penal institution.

(u) Service performed as a precinct election officer (as defined in IC 3-5-2-40.1).

SECTION 71. IC 22-12-6-6, AS AMENDED BY P.L.119-2002, SECTION 6, AND AS AMENDED BY P.L.123-2002, SECTION 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission may adopt rules under IC 4-22-2 setting a fee schedule for the following:

(1) Fireworks display permits issued under IC 22-11-14-2.

(2) Explosives magazine permits issued under ~~IC 22-14-4~~ IC 35-47.5-4.

(3) Design releases issued under IC 22-15-3.

(4) Certification of industrialized building systems and mobile structures under IC 22-15-4.

(5) Inspection of regulated amusement devices under IC 22-15-7.

(6) Application fees for variance requests under IC 22-13-2-11 and inspection fees for exemptions under IC 22-13-4-5.

(7) *Permitting and inspection of regulated lifting devices under IC 22-15-5.*

(8) *Permitting and inspection of regulated boiler and pressure vessels under IC 22-15-6.*

(9) *Licensing of:*

(A) *boiler and pressure vessel inspectors under IC 22-15-6-5; and*

(B) *an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.*

(10) *Licensing of elevator contractors, elevator inspectors, and elevator mechanics under IC 22-15-5-6 through IC 22-15-5-16.*

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the

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1 statewide fire and building safety education fund established under
2 section 3 of this chapter.

3 SECTION 72. IC 22-15-5-8, AS ADDED BY P.L.119-2002,
4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 8. (a) An applicant for an initial elevator
6 contractor license must do the following:

7 (1) Submit to the department an application on the form that the
8 department provides.

9 (2) Submit to the department any proof of eligibility the
10 department requires.

11 (3) Demonstrate proof of insurance as required by section 14 of
12 this chapter.

13 (4) Demonstrate proof of worker's compensation coverage under
14 IC 22-3-2-5.

15 (5) Pay the license fee established under IC 22-12-6-6. The license
16 fee is nonrefundable and must be paid each time an applicant
17 submits an application or applies to take the examination.

18 (6) Affirm under penalty of perjury that all information provided
19 to the department is true to the best of the applicant's knowledge
20 and belief.

21 (b) An applicant for a renewal elevator contractor license must do the
22 following:

23 (1) Submit an application on the form that the department
24 provides.

25 (2) Submit proof of completion of the continuing education
26 required by section ~~12~~ **15** of this chapter.

27 (3) Demonstrate proof of insurance as required by section 14 of
28 this chapter.

29 (4) Demonstrate proof of worker's compensation coverage under
30 IC 22-3-2-5.

31 (5) Pay the license fee established under IC 22-12-6-6. The license
32 fee is nonrefundable and must be paid each time an applicant
33 submits an application.

34 (6) Affirm under penalty of perjury that all information provided
35 to the department is true to the best of the applicant's knowledge
36 and belief.

37 SECTION 73. IC 23-2-2.5-14, AS AMENDED BY P.L.30-2002,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 14. (a) The commissioner may, without a
40 hearing, issue a stop order denying the effectiveness of or suspending
41 or revoking the effectiveness of a registration if the commissioner finds
42 that the issuance of the order is in the public interest and also finds



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that:

(1) there has been a failure to comply with this chapter or the rules or orders of the commissioner pertaining to this chapter;

(2) the offer or sale of the franchise would constitute misrepresentation to, or deceit or fraud on, the purchasers or offerees;

(3) the franchisor has failed to comply with any rule promulgated or order issued pursuant to section 12 of this chapter; or

(4) the franchisor, or the franchisor's predecessor, or any of the franchisor's directors, trustees, general partners, chief executives, financial officers, accounting officers, franchise sales officers, or other principal officers, or, if the franchisor is a limited liability company, any member or manager of the franchisor:

(A) during the ten (10) year period immediately preceding the date of registration, has:

(i) been convicted of a felony;

(ii) pleaded nolo contendere to a felony charge; or

(iii) been held liable in a civil action by final judgment;

if the felony or civil action involved fraud, embezzlement, misappropriation of property, or the violation of any state or federal statute involving the offer or sale of securities or franchises;

(B) is subject to any currently effective order affecting the franchise resulting from a proceeding or pending action brought by any individual or public agency or department;

(C) is a defendant in any pending criminal or material civil proceeding;

(D) during the ten (10) year period immediately preceding the date of registration, has been the defendant against whom a final judgment was entered in any material civil action; or

(E) is the franchisor or a principal executive officer or general partner of the franchisor and has, during the ten (10) year period immediately preceding the date of registration, reorganized due to insolvency or been adjudicated as a bankrupt.

(b) An order issued under this section based on a finding by the commissioner under subsection (a)(4)(A) must include a description of the charge, violation, or judgment referred to in subsection (a)(4)(A). An order issued under this section based on a finding by the commissioner under subsection (a)(4)(B) must include a copy of the order referred to in subsection (a)(4)(B). An order issued under this section based on a finding by the commissioner under subsection (a)(4)(D) must include a description of the judgment referred to in

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subsection (a)(4)(D). An order issued under this section based on a finding by the commissioner under subsection (a)(4)(E) must include a description of the insolvency or adjudication referred to in subsection (a)(4)(E).

(c) Before issuing a stop order under subsection (a)(4), such an order must be based on a finding by the commissioner that involvement of ~~such person(s)~~ **a person referred to in subsection (a)(4)** creates an unreasonable risk to prospective franchisees.

SECTION 74. IC 25-5.2-1-2, AS ADDED BY P.L.54-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The following definitions apply throughout this article:

(1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.

(2) "Applicant" means an individual who applies for a certificate of registration as an athlete agent under this article.

(3) "Athlete agent" means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract. The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

(4) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(5) "Contact" means a communication, direct or indirect, between an athlete agent and a student athlete, to recruit or solicit the student athlete to enter into an agency contract.

(6) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance. The term includes the value of any part of the student athlete's right of publicity (as defined in ~~IC 32-13-1-7~~; **IC 32-36-1-7**).



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(7) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

(8) "Person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency, or an instrumentality, a public corporation, or any other legal or commercial entity.

(9) "Professional sports services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(10) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) "Registration" means registration as an athlete agent under this article.

(12) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(13) "Student athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport.

SECTION 75. IC 25-23.2-3-5, AS ADDED BY P.L.181-2002, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A nurse who is licensed in a party state and who obtains employment as a nurse in Indiana shall file a multistate licensure privilege form with the health professions bureau and pay the fee established by the **licensing** board. Before commencing employment the nurse shall obtain approval from the **licensing** board.

(b) Each registered nurse and each licensed practical nurse who holds a multistate licensure privilege in Indiana shall notify the **licensing** board of a change of address within thirty (30) days after the change.

(c) Notification of multistate licensure privilege as a registered nurse expires on October 31 in each odd-numbered year. Failure to update the notification of multistate licensure privilege on or before the expiration date automatically renders the multistate licensure privilege invalid without any action by the **licensing** board.



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(d) Notification of multistate licensure privilege to practice as a licensed practical nurse expires October 31 in each even-numbered year. Failure to update the notification of multistate licensure privilege on or before the expiration date automatically renders the multistate licensure privilege invalid without any action by the **licensing** board.

(e) Multistate licensure privileges invalidated under this section may not be reinstated.

(f) A nurse whose privileges have been invalidated under this section may obtain new multistate licensure privileges by complying with subsection (a).

(g) The procedures and fee for updating the multistate licensure privilege shall be set by the **licensing** board.

(h) At the time of updating the notification of multistate licensure privilege, each registered nurse and each licensed practical nurse shall pay the fee for updating the multistate licensure privilege.

(i) Sixteen percent (16%) of the amount of fees collected under this section shall be deposited in the impaired nurses account of the state general fund established by IC 25-23-1-34.

SECTION 76. IC 25-26-13-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The board shall establish appropriate fees to carry out this chapter.

(b) All fees are nonrefundable. A receipt shall be issued for all fees and fines submitted.

(c) All fees collected under this section and, **except as provided in IC 25-23-1-34(b)(4), all** fines collected under IC 25-1-9 shall be transferred to the treasurer of state and deposited in the general fund of the state.

(d) The board may adopt rules that provide that at the time of license renewal, each licensed pharmacist pay an additional fee not to exceed ten dollars (\$10). The amounts collected under this subsection shall be deposited in the impaired pharmacists account established under section 30 of this chapter.

SECTION 77. IC 31-34-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A law enforcement officer may take a person into custody if the law enforcement officer has probable cause to believe that the person is the alleged perpetrator of an act against a child who the law enforcement officer believes to be a child in need of services as a result of the alleged perpetrator's act. The law enforcement officer may take the alleged perpetrator into custody under this section only for the purpose of removing the alleged perpetrator from the residence where the child believed to be in need of services resides.



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(b) The law enforcement officer shall immediately contact the attorney for the county department or another authorized person for the purpose of initiating a protective order under ~~IC 31-34-17~~ **IC 31-34-25** that will require the alleged perpetrator to refrain from having direct or indirect contact with the child.

SECTION 78. IC 31-34-21-5.6, AS AMENDED BY P.L.217-2001, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

(i) a child described in IC 31-35-3-4(2); or

(ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

(2) A parent, guardian, or custodian of a child who is a child in need of services:

(A) has been convicted of:

(i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in

IC 31-35-3-4(2)(B) or a parent of the child; or

(ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

(i) aiding, inducing, or causing another person;

(ii) attempting; or

(iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery (IC 35-42-2-1(a)(5)) as a Class A felony;

(B) battery (IC 35-42-2-1 (a)(4)) as a Class B felony;

(C) battery (IC 35-42-2-1(a)(3)) as a Class C felony;

(D) aggravated battery (IC 35-42-2-1.5);

(E) criminal recklessness (~~IC 35-42-2-2(c)~~) (**IC 35-42-2-2**) as a



Class C felony;
 (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony; or
 (G) a comparable offense described in clauses (A) through (F) in
 another state, territory, or country;
 against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or
 adoptive sibling of a child who is a child in need of services have
 been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent
 child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual
 convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any
 other state, territory, or country.

(5) The child is an abandoned infant, provided that the court:

(A) has appointed a guardian ad litem or court appointed special
 advocate for the child; and

(B) after receiving a written report and recommendation from the
 guardian ad litem or court appointed special advocate, and after
 a hearing, finds that reasonable efforts to locate the child's
 parents or reunify the child's family would not be in the best
 interests of the child.

SECTION 79. IC 31-37-19-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section
 applies if a child is a delinquent child under IC 31-37-1.

(b) Except as provided in section 10 of this chapter, the juvenile
 court may:

(1) enter any dispositional decree specified in section 5 of this
 chapter; and

(2) take any of the following actions:

(A) Award wardship to:

(i) the department of correction for housing in a correctional
 facility for children; or

(ii) a community based correctional facility for children.

Wardship under this subdivision does not include the right to
 consent to the child's adoption.

(B) If the child is less than seventeen (17) years of age, order
 confinement in a juvenile detention facility for not more than the
 lesser of:

(i) ninety (90) days; or

(ii) the maximum term of imprisonment that could have been
 imposed on the child if the child had been convicted as an

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- 1 adult offender for the act that the child committed under
 2 IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).
 3 (C) If the child is at least seventeen (17) years of age, order
 4 confinement in a juvenile detention facility for not more than the
 5 lesser of:
 6 (i) one hundred twenty (120) days; or
 7 (ii) the maximum term of imprisonment that could have been
 8 imposed on the child if the child had been convicted as an
 9 adult offender for the act that the child committed under
 10 IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal).
 11 (D) Remove the child from the child's home and place the child
 12 in another home or shelter care facility. Placement under this
 13 subdivision includes authorization to control and discipline the
 14 child.
 15 (E) Award wardship to a person or shelter care facility.
 16 Wardship under this subdivision does not include the right to
 17 consent to the child's adoption.
 18 (F) Place the child in a secure private facility for children
 19 licensed under the laws of a state. Placement under this
 20 subdivision includes authorization to control and discipline the
 21 child.
 22 (G) Order a person who is a respondent in a proceeding under
 23 IC 31-37-16 **(before its repeal) or IC 34-26-5** to refrain from
 24 direct or indirect contact with the child.
 25 SECTION 80. IC 32-18-1-22, AS ADDED BY P.L.2-2002,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 22. ~~(a)~~ A surviving partner of a firm doing
 28 business in Indiana has full power to make assignments under this
 29 chapter.
 30 SECTION 81. IC 32-21-4-1, AS ADDED BY P.L.2-2002, SECTION
 31 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 32 PASSAGE]: Sec. 1. (a) ~~A: (1) conveyance or mortgage of land or of~~
 33 ~~any interest in land; and (2) a lease for more than three (3) years; The~~
 34 **following** must be recorded in the recorder's office of the county where
 35 the land is situated:
 36 **(1) A conveyance or mortgage of land or of any interest in land.**
 37 **(2) A lease for more than three (3) years.**
 38 (b) A conveyance, mortgage, or lease takes priority according to the
 39 time of its filing. The conveyance, mortgage, or lease is fraudulent and
 40 void as against any subsequent purchaser, lessee, or mortgagee in good
 41 faith and for a valuable consideration if the purchaser's, lessee's, or
 42 mortgagee's deed, mortgage, or lease is first recorded.

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SECTION 82. IC 32-21-4-3, AS ADDED BY P.L.2-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies when **a deed**:

- (1) ~~a deed~~ purports to contain an absolute conveyance of any estate in land; and
- (2) is made or intended to be made defeasible by: ~~a~~
 - (A) **a** deed of defeasance;
 - (B) **a** bond; or
 - (C) ~~other~~ **another** instrument.

(b) The original conveyance is not defeated or affected against any person other than:

- (1) the maker of the defeasance;
- (2) the heirs or devisees of the maker of the defeasance; or
- (3) persons having actual notice of the defeasance;

unless the instrument of defeasance is recorded in the manner provided by law within ninety (90) days after the date of the deed.

SECTION 83. IC 32-21-5-7, AS ADDED BY P.L.2-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

- (1) Disclosure by the owner of the known condition of the following: ~~areas~~:
 - (A) The foundation.
 - (B) The mechanical systems.
 - (C) The roof.
 - (D) The structure.
 - (E) The water and sewer systems.
 - (F) **Additions that may require improvements to the sewage disposal system.**
 - (G) Other areas that the Indiana real estate commission determines are appropriate.

(2) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property."

(3) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the

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owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(4) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

SECTION 84. IC 32-25-4-3, AS ADDED BY P.L.2-2002, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each condominium unit owner is entitled to an undivided interest in the common areas and facilities as designated in the declaration. Except as provided in subsection (b), the undivided interest must be expressed as a percentage interest based on:

- (1) the size of the unit in relation to the size of all units in the condominium;
- (2) the value of each condominium unit in relation to the value of all condominium units in the condominium; or
- (3) the assignment of an equal percentage undivided interest to each condominium unit.

An undivided interest allocated to each condominium unit in accordance with this subsection must be indicated in a schedule of undivided interests in the declaration. However, if the declaration does not specify the method of allocating the percentage undivided interests, an equal percentage undivided interest applies to each condominium unit. The total undivided interests allocated in accordance with subdivision (1) or (2) must equal one hundred percent (100%).

(b) With respect to an expandable condominium, the declaration may allocate undivided interests in the common area on the basis of value if:

- (1) the declaration prohibits the creation of any condominium units not substantially identical to the condominium units depicted on the recorded plans of the declaration; or
- (2) the declaration:
 - (A) prohibits the creation of any condominium units not described in the initial declaration; and
 - (B) contains a statement on the value to be assigned to each condominium unit created after the date of the declaration.

(c) Interests in the common areas may not be allocated to any condominium units to be created within any additional land until the plats and plans and supplemental declaration depicting the

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condominium units to be created are recorded. Simultaneously with the recording of the plats and plans for the condominium units to be created, the declarant must execute and record an amendment to the initial declaration reallocating undivided interests in the common areas so that the future condominium units depicted on the plats and plans will be allocated undivided interests in the common areas on the same basis as the condominium units depicted in the prior recorded plats and plans.

(d) Except as provided in IC 32-25-8-3, the undivided interest of the owner of the condominium unit in the common areas and facilities, as expressed in the declaration, is permanent and may not be altered without the consent of the co-owners. A consent to alteration must be stated in an amended declaration, and the amended declaration must be recorded. The undivided interest may not be transferred, encumbered, disposed of, or separated from the condominium unit to which it appertains, and any purported transfer, encumbrance, or other disposition is void. The undivided interest is considered to be conveyed or encumbered with the condominium unit to which it appertains even though the undivided interest is not expressly mentioned or described in the conveyance or other instrument.

(e) The common areas and facilities shall remain undivided. A condominium unit owner or any other person may bring an action for partition or division of any part of the common areas and facilities if the property has been removed from this chapter as provided in IC 32-25-8-12 and IC 32-25-8-16. Any covenant to the contrary is void.

(f) Each condominium unit owner:

(1) may use the common areas and facilities in accordance with the purpose for which the common areas and facilities were intended; and

(2) may not, in the owner's use of the common areas and facilities, hinder or encroach upon the lawful rights of the other co-owners.

(g) The:

(1) necessary work of:

(A) maintenance;

(B) repair; and

(C) replacement;

of the common areas and facilities; and

(2) ~~the~~ making of any additions or improvements to the common areas and facilities:

may be carried out only as provided in this chapter and in the bylaws.

(h) The association of condominium unit owners has the irrevocable right, to be exercised by the manager or board of directors, to have

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access to each condominium unit from time to time during reasonable hours as is necessary for:

(1) the maintenance, repair, or replacement of any of the common areas and facilities:

(A) in the condominium unit; or

(B) accessible from the condominium unit; or

(2) making emergency repairs in the condominium unit necessary to prevent damage to:

(A) the common areas and facilities; or

(B) another condominium unit.

SECTION 85. IC 32-30-5-5, AS ADDED BY P.L.2-2002, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If:

(1) in the exercise of its authority, a court or judge ~~(+)~~ has ordered the deposit or delivery of money or another thing; and

(2) the order is disobeyed;

the court or the judge, besides punishing the disobedience as contempt, may make an order requiring the sheriff to take the money or thing and deposit it or deliver it in conformity with the direction of the court or judge.

SECTION 86. IC 32-31-1-18, AS ADDED BY P.L.2-2002, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. If a life tenant who has demised any lands dies on or after the day on which rent is due and payable, the executor or administrator of the life tenant's estate may recover from the under tenant the whole rent due. If the life tenant dies before the day on which rent is due:

(1) the executor or administrator of the life tenant's estate may recover the proportion of rent that accrued before; and

(2) the remainderman may recover the ~~the~~ proportion of rent that accrued after;

the life tenant's death.

SECTION 87. IC 32-33-19-1, AS ADDED BY P.L.2-2002, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Unless otherwise provided in this article, if the debt or obligation, including interest on the debt or obligation, that a lien on personal property secures has been fully paid, lawfully tendered, and discharged, the owner, holder, or custodian of the mortgage shall:

~~(A)~~ (1) release;

~~(B)~~ (2) discharge; and

~~(C)~~ (3) satisfy of record;

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the mortgage as provided in IC 32-28-1.

SECTION 88. IC 34-6-2-38, AS AMENDED BY P.L.1-2002, SECTION 142, AS AMENDED BY P.L.151-2002, SECTION 4, AND AS AMENDED BY P.L.178-2002, SECTION 112, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a) "Employee" and "public employee", for purposes of section 91 of this chapter, IC 34-13-2, IC 34-13-3, IC 34-13-4, and IC 34-30-14, mean a person presently or formerly acting on behalf of a governmental entity, whether temporarily or permanently or with or without compensation, including members of boards, committees, commissions, authorities, and other instrumentalities of governmental entities, volunteer firefighters (as defined in IC 36-8-12-2), and elected public officials.

(b) The term also includes attorneys at law whether employed by the governmental entity as employees or independent contractors and physicians licensed under IC 25-22.5 and optometrists who provide medical or optical care to confined offenders (as defined in IC 11-8-1) within the course of their employment by or contractual relationship with the department of correction. However, the term does not include:

- (1) an independent contractor (other than an attorney at law, a physician, or an optometrist described in this section);
- (2) an agent or employee of an independent contractor;
- (3) a person appointed by the governor to an honorary advisory or honorary military position; or
- (4) a physician licensed under IC 25-22.5 with regard to a claim against the physician for an act or omission occurring or allegedly occurring in the physician's capacity as an employee of a hospital.

(c) A physician licensed under IC 25-22.5 who is an employee of a governmental entity (as defined in ~~IC 34-6-2-49~~) **section 49 of this chapter**) shall be considered a public employee for purposes of ~~IC 34-13-3-3(21)~~. ~~IC 34-13-3-3(20)~~. **IC 34-13-3-3(21)**.

(d) *For purposes of IC 34-13-3 and IC 34-13-4, the term includes a person that engages in an act or omission before July 1, 2004, in the person's capacity as:*

- (1) *a contractor under IC 6-1.1-4-32;*
- (2) *an employee acting within the scope of the employee's duties for a contractor under IC 6-1.1-4-32;*
- (3) *a subcontractor of the contractor under IC 6-1.1-4-32 that is acting within the scope of the subcontractor's duties; or*
- (4) *an employee of a subcontractor described in subdivision (3) that is acting within the scope of the employee's duties.*

SECTION 89. IC 34-6-2-103, AS AMENDED BY P.L.2-2002,



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SECTION 89, AS AMENDED BY P.L.133-2002, SECTION 48, AND AS AMENDED BY P.L.153-2002, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

~~(b) "Person", for purposes of IC 34-19-2, has the meaning set forth in IC 35-41-1.~~

~~(c)~~ (b) "Person", for purposes of IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

~~(d)~~ (c) "Person", for purposes of ~~IC 34-26-2~~, ~~includes individuals at least eighteen (18) years of age and emancipated minors. section 44.8 of this chapter, means an adult or a minor.~~

~~(e)~~ (d) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

~~(f)~~ (e) "Person", for purposes of IC 34-30-5, means any of the following:

- (1) An individual.
- (2) A corporation.
- (3) A partnership.
- (4) An unincorporated association.
- (5) The state (as defined in IC 34-6-2-140).
- (6) A political subdivision (as defined in IC 34-6-2-110).
- (7) Any other entity recognized by law.

~~(g)~~ (f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:

- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
- (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.



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~~(f)~~ (g) "Person", for purposes of IC 34-30-18, includes:

- (1) an individual;
- (2) an incorporated or unincorporated organization or association;
- (3) the state of Indiana;
- (4) a political subdivision (as defined in IC 36-1-2-13);
- (5) an agency of the state or a political subdivision; or
- (6) a group of such persons acting in concert.

~~(f)~~ (h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

~~(f)~~ (i) "Person" for purposes of IC 34-30-10.5, means the following:

- (1) A political subdivision (as defined in IC 36-1-2-13).
- (2) A volunteer fire department (as defined in IC 36-8-12-2).
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
- (5) *After March 31, 2002, a corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.*

SECTION 90. IC 34-6-2-130.7, AS AMENDED BY P.L.133-2002, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 130.7. "Respondent", for purposes of ~~section 86.4 of this chapter and~~ IC 34-26-5, means the individual against whom the enforcement of a protection order is sought.

SECTION 91. IC 35-33-8-3.2, AS AMENDED BY P.L.1-2001, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:

- (1) Require the defendant to:
 - (A) execute a bail bond with sufficient solvent sureties;
 - (B) deposit cash or securities in an amount equal to the bail;
 - (C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail; **or**
 - (D) post a real estate bond.
- (2) Require the defendant to execute a bail bond by depositing cash



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1 or securities with the clerk of the court in an amount not less than
 2 ten percent (10%) of the bail. If the defendant is convicted, the
 3 court may retain all or a part of the cash or securities to pay fines,
 4 costs, fees, and restitution, if ordered by the court. A portion of the
 5 deposit, not to exceed ten percent (10%) of the monetary value of
 6 the deposit or fifty dollars (\$50), whichever is the lesser amount,
 7 may be retained as an administrative fee. The clerk shall also retain
 8 from the deposit under this subdivision the following:

9 (A) Fines, costs, fees, and restitution as ordered by the court.

10 (B) Publicly paid costs of representation that shall be disposed
 11 of in accordance with subsection (b).

12 (C) In the event of the posting of a real estate bond, the bond
 13 shall be used only to insure the presence of the defendant at any
 14 stage of the legal proceedings, but shall not be foreclosed for the
 15 payment of fines, costs, fees, or restitution.

16 The individual posting bail for the defendant or the defendant
 17 admitted to bail under this subdivision must be notified by the
 18 sheriff, court, or clerk that the defendant's deposit may be forfeited
 19 under section 7 of this chapter or retained under subsection (b).

20 (3) Impose reasonable restrictions on the activities, movements,
 21 associations, and residence of the defendant during the period of
 22 release.

23 (4) Require the defendant to refrain from any direct or indirect
 24 contact with an individual.

25 (5) Place the defendant under the reasonable supervision of a
 26 probation officer or other appropriate public official.

27 (6) Release the defendant into the care of a qualified person or
 28 organization responsible for supervising the defendant and
 29 assisting the defendant in appearing in court. The supervisor shall
 30 maintain reasonable contact with the defendant in order to assist
 31 the defendant in making arrangements to appear in court and,
 32 where appropriate, shall accompany the defendant to court. The
 33 supervisor need not be financially responsible for the defendant.

34 (7) Release the defendant on personal recognizance unless:

35 (A) the state presents evidence relevant to a risk by the
 36 defendant:

37 (i) of nonappearance; or

38 (ii) to the physical safety of the public; and

39 (B) the court finds by a preponderance of the evidence that the
 40 risk exists.

41 (8) Impose any other reasonable restrictions designed to assure the
 42 defendant's presence in court or the physical safety of another

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person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-9-11.5.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed, or the defendant is acquitted or convicted of the charges.

(d) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day.

(e) When a court imposes a condition of bail described in subsection (a)(4):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 92. IC 35-41-1-10.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002 (RETROACTIVE)]: **Sec. 10.6. (a) An individual is a "family or household member" of another person if the individual:**

- (1) is a current or former spouse of the other person;**
- (2) is dating or has dated the other person;**
- (3) is or was engaged in a sexual relationship with the other person;**
- (4) is related by blood or adoption to the other person;**
- (5) is or was related by marriage to the other person;**
- (6) has or previously had an established legal relationship:**
 - (A) as a guardian of the other person;**
 - (B) as a ward of the other person;**
 - (C) as a custodian of the other person;**
 - (D) as a foster parent of the other person; or**
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or**
- (7) has a child in common with the other person.**

(b) An individual is a "family or household member" of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.



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SECTION 93. IC 35-41-1-10.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002 (RETROACTIVE)]: **Sec. 10.8. "Food processing facility" means a facility used to prepare or process animal, plant, or other food ingredients into food products intended for sale or distribution to the general public for human consumption.**

SECTION 94. IC 35-42-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.
- (b) A person who recklessly, knowingly, or intentionally performs:
 - (1) an act that creates a substantial risk of bodily injury to another person; or
 - (2) hazing;
 commits criminal recklessness. **Except as provided in subsection (c), criminal recklessness is a Class B misdemeanor.**

(c) However, The offense of criminal recklessness as defined in subsection (b) is:

- (1) a Class A misdemeanor if the conduct includes the use of a vehicle;
- (2) a Class D felony if it is committed while armed with a deadly weapon; or
- (3) a Class C felony if it is committed by shooting a firearm from a vehicle into an inhabited dwelling or other building or place where people are likely to gather.
- ~~(c)~~ **(d)** A person who recklessly, knowingly, or intentionally:
 - (1) inflicts serious bodily injury on another person; or
 - (2) performs hazing that results in serious bodily injury to a person;
 commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.
- ~~(d)~~ **(e)** A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:
 - (1) makes a report of hazing in good faith;
 - (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
 - (3) employs a reporting or participating person described in subdivision (1) or (2); or
 - (4) supervises a reporting or participating person described in



subdivision (1) or (2);
is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

~~(e)~~ (f) A person described in subsection ~~(d)(1)~~ (e)(1) or ~~(d)(2)~~ (e)(2) is presumed to act in good faith.

~~(f)~~ (g) A person described in subsection ~~(d)(1)~~ (e)(1) or ~~(d)(2)~~ (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult.

SECTION 95. IC 35-43-1-2, AS AMENDED BY P.L.108-2002, SECTION 1, AS AMENDED BY P.L.116-2002, SECTION 24, AND AS AMENDED BY P.L.123-2002, SECTION 37, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person who:

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) *the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) and the person is not a sex offender or was not required to register as a sex offender;*

(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way; ~~or~~

(v) *the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;*

~~(v)~~ (vi) *the property damaged was any rail, switch, roadbed,*

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- 1 *viaduct, bridge, trestle, culvert, or embankment on a*
 2 *right-of-way owned, leased, or operated by a railroad*
 3 *company; or*
 4 ~~(iv) (v) (vi)~~ **(vii)** the property damage or defacement was
 5 caused by paint or other markings; and
 6 (B) a Class D felony if:
 7 (i) the pecuniary loss is at least two thousand five hundred
 8 dollars (\$2,500);
 9 (ii) the damage causes a substantial interruption or impairment
 10 of utility service rendered to the public;
 11 (iii) the damage is to a public record;
 12 (iv) *the property damaged or defaced was a copy of the sex*
 13 *and violent offender directory (IC 5-2-6-3) and the person is*
 14 *a sex offender or was required to register as a sex offender;*
 15 (v) the damage causes substantial interruption or impairment
 16 of work conducted in a scientific research facility; ~~or~~
 17 ~~(v)~~ (vi) the damage is to a law enforcement animal (as defined
 18 in IC 35-46-3-4.5); *or*
 19 ~~(vi)~~ **(vii)** *the damage causes substantial interruption or*
 20 *impairment of work conducted in a food processing facility.*
 21 (b) A person who recklessly, knowingly, or intentionally damages:
 22 (1) a structure used for religious worship;
 23 (2) a school or community center;
 24 (3) the grounds:
 25 (A) adjacent to; and
 26 (B) owned or rented in common with;
 27 a structure or facility identified in subdivision (1) or (2); or
 28 (4) personal property contained in a structure or located at a facility
 29 identified in subdivision (1) or (2);
 30 without the consent of the owner, possessor, or occupant of the
 31 property that is damaged, commits institutional criminal mischief, a
 32 Class A misdemeanor. However, the offense is a Class D felony if the
 33 pecuniary loss is at least two hundred fifty dollars (\$250) but less than
 34 two thousand five hundred dollars (\$2,500), and a Class C felony if the
 35 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
 36 (c) If a person is convicted of an offense under this section that
 37 involves the use of graffiti, the court may, in addition to any other
 38 penalty, order that the person's operator's license be suspended or
 39 invalidated by the bureau of motor vehicles for not more than one (1)
 40 year.
 41 (d) The court may rescind an order for suspension or invalidation
 42 under subsection (c) and allow the person to receive a license or permit

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before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 96. IC 35-46-4-1.5, AS ADDED BY P.L.54-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. As used in this chapter, "endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use, on behalf of the other party, any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance. The term includes the value of any part of the student athlete's right of publicity (as defined in ~~IC 32-13-1-7~~). **IC 32-36-1-7**).

SECTION 97. IC 35-50-2-9, AS AMENDED BY P.L.117-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002 (RETROACTIVE)]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is a mentally retarded individual.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).

(D) Criminal deviate conduct (IC 35-42-4-2).

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2).

(I) Criminal gang activity (IC 35-45-9-3).

(J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).



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- 1 (2) The defendant committed the murder by the unlawful
- 2 detonation of an explosive with intent to injure person or damage
- 3 property.
- 4 (3) The defendant committed the murder by lying in wait.
- 5 (4) The defendant who committed the murder was hired to kill.
- 6 (5) The defendant committed the murder by hiring another person
- 7 to kill.
- 8 (6) The victim of the murder was a corrections employee,
- 9 probation officer, parole officer, community corrections worker,
- 10 home detention officer, fireman, judge, or law enforcement officer,
- 11 and either:
- 12 (A) the victim was acting in the course of duty; or
- 13 (B) the murder was motivated by an act the victim performed
- 14 while acting in the course of duty.
- 15 (7) The defendant has been convicted of another murder.
- 16 (8) The defendant has committed another murder, at any time,
- 17 regardless of whether the defendant has been convicted of that
- 18 other murder.
- 19 (9) The defendant was:
- 20 (A) under the custody of the department of correction;
- 21 (B) under the custody of a county sheriff;
- 22 (C) on probation after receiving a sentence for the commission
- 23 of a felony; or
- 24 (D) on parole;
- 25 at the time the murder was committed.
- 26 (10) The defendant dismembered the victim.
- 27 (11) The defendant burned, mutilated, or tortured the victim while
- 28 the victim was alive.
- 29 (12) The victim of the murder was less than twelve (12) years of
- 30 age.
- 31 (13) The victim was a victim of any of the following offenses for
- 32 which the defendant was convicted:
- 33 (A) Battery as a Class D felony or as a Class C felony under
- 34 IC 35-42-2-1.
- 35 (B) Kidnapping (IC 35-42-3-2).
- 36 (C) Criminal confinement (IC 35-42-3-3).
- 37 (D) A sex crime under IC 35-42-4.
- 38 (14) The victim of the murder was listed by the state or known by
- 39 the defendant to be a witness against the defendant and the
- 40 defendant committed the murder with the intent to prevent the
- 41 person from testifying.
- 42 (15) The defendant committed the murder by intentionally

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1 discharging a firearm (as defined in IC 35-47-1-5):

2 (A) into an inhabited dwelling; or

3 (B) from a vehicle.

4 (16) The victim of the murder was pregnant and the murder
5 resulted in the intentional killing of a fetus that has attained
6 viability (as defined in IC 16-18-2-365).

7 (c) The mitigating circumstances that may be considered under this
8 section are as follows:

9 (1) The defendant has no significant history of prior criminal
10 conduct.

11 (2) The defendant was under the influence of extreme mental or
12 emotional disturbance when the murder was committed.

13 (3) The victim was a participant in or consented to the defendant's
14 conduct.

15 (4) The defendant was an accomplice in a murder committed by
16 another person, and the defendant's participation was relatively
17 minor.

18 (5) The defendant acted under the substantial domination of
19 another person.

20 (6) The defendant's capacity to appreciate the criminality of the
21 defendant's conduct or to conform that conduct to the requirements
22 of law was substantially impaired as a result of mental disease or
23 defect or of intoxication.

24 (7) The defendant was less than eighteen (18) years of age at the
25 time the murder was committed.

26 (8) Any other circumstances appropriate for consideration.

27 (d) If the defendant was convicted of murder in a jury trial, the jury
28 shall reconvene for the sentencing hearing. If the trial was to the court,
29 or the judgment was entered on a guilty plea, the court alone shall
30 conduct the sentencing hearing. The jury or the court may consider all
31 the evidence introduced at the trial stage of the proceedings, together
32 with new evidence presented at the sentencing hearing. The court shall
33 instruct the jury concerning the statutory penalties for murder and any
34 other offenses for which the defendant was convicted, the potential for
35 consecutive or concurrent sentencing, and the availability of good time
36 credit and clemency. The court shall instruct the jury that, in order for
37 the jury to recommend to the court that the death penalty or life
38 imprisonment without parole should be imposed, the jury must find at
39 least one (1) aggravating circumstance beyond a reasonable doubt as
40 described in subsection (k) and shall provide a special verdict form for
41 each aggravating circumstance alleged. The defendant may present any
42 additional evidence relevant to:



(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (k). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole; only if it makes the findings described in subsection (k).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without

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merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

(A) Constitution of the State of Indiana; or

(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

(A) exceeds the maximum sentence authorized by law; or

(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

(1) the state has proved beyond a reasonable doubt that at least one

(1) of the aggravating circumstances listed in subsection (b) exists; and

(2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

SECTION 98. IC 36-3-2-11, AS AMENDED BY P.L.170-2002, SECTION 140, AND AS AMENDED BY P.L.179-2002, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Property taxation.

(6) Real property.

(7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county



1 ~~(1)~~ with a consolidated city. ~~or~~

2 ~~(2) having a population of more than~~

3 (d) Subject to the approval of a property owner, the legislative body
4 of the consolidated city may adopt an ordinance to require the property
5 owner to pay PILOTS at times set forth in the ordinance with respect
6 to real property that is subject to an exemption under IC 6-1.1-10-16.7.
7 The ordinance remains in full force and effect until repealed or
8 modified by the legislative body, subject to the approval of the property
9 owner.

10 (e) The PILOTS must be calculated so that the PILOTS are in an
11 amount *that is*:

12 *(1) agreed upon by the property owner and the legislative body of*
13 *the consolidated city;*

14 *(2) a percentage of the property taxes that would have been levied*
15 *by the legislative body for the consolidated city and the county*
16 *upon the real property described in subsection (d) if the property*
17 *were not subject to an exemption from property taxation; and*

18 *(3) ~~equal to~~ not more than the amount of property taxes that would*
19 *have been levied by the legislative body for the consolidated city*
20 *and county upon the real property described in subsection (d) if the*
21 *property were not subject to an exemption from property taxation.*

22 (f) PILOTS shall be imposed as are property taxes and shall be based
23 on the assessed value of the real property described in subsection (d).
24 The township assessors shall assess the real property described in
25 subsection (d) as though the property were not subject to an exemption.

26 (g) PILOTS collected under this section shall be deposited in the
27 housing trust fund established under IC 36-7-15.1-35.5 and used for
28 any purpose for which the housing trust fund may be used.

29 (h) PILOTS shall be due as set forth in the ordinance and bear
30 interest, if unpaid, as in the case of other taxes on property. PILOTS
31 shall be treated in the same manner as taxes for purposes of all
32 procedural and substantive provisions of law.

33 SECTION 99. IC 36-7-14-22.2, AS ADDED BY P.L.113-2002,
34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 22.2. (a) The commission may sell or grant,
36 at no cost, title to real property to an urban enterprise association for
37 the purpose of developing the real property if the following
38 requirements are met:

39 (1) The urban enterprise association has incorporated as a
40 not-for-profit corporation under IC 4-4-6.1-5(b)(3).

41 (2) The parcel of property to be sold or granted is located entirely
42 within the enterprise zone for which the urban enterprise

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1 association was created under IC 4-4-6.1-4.

2 (3) The urban enterprise association agrees to cause development
3 on the parcel of property within a specified period that may not
4 exceed five (5) years from the date of the sale or grant.

5 (4) The urban enterprise association agrees to rehabilitate or
6 otherwise develop the property in a manner that is similar to and
7 consistent with the use of the other properties in the enterprise
8 zone.

9 (b) The commission may sell or grant, at no cost, title to real property
10 to a community development corporation (as defined in ~~IC 4-4-28-13~~)
11 **IC 4-4-28-2**) for the purpose of providing low or moderate income
12 housing or other development that will benefit or serve low or moderate
13 income families if the following requirements are met:

14 (1) The community development corporation has as a major
15 corporate purpose and function the provision of housing for low
16 and moderate income families within the geographic area in which
17 the parcel of real property is located.

18 (2) The community development corporation agrees to cause
19 development that will serve or benefit low or moderate income
20 families on the parcel of real property within a specified period,
21 which may not exceed five (5) years from the date of the sale or
22 grant.

23 (3) The community development corporation agrees that the
24 community development corporation and each applicant, recipient,
25 contractor, or subcontractor undertaking work in connection with
26 the real property will:

27 (A) use lower income project area residents as trainees and as
28 employees; and

29 (B) contract for work with business concerns located in the
30 project area or owned in substantial part by persons residing in
31 the project area;

32 to the greatest extent feasible, as determined under the standards
33 specified in 24 CFR 135.

34 (4) The community development corporation agrees to rehabilitate
35 or otherwise develop the property in a manner that is similar to and
36 consistent with the use of the other properties in the area served by
37 the community development corporation.

38 (c) To carry out the purposes of this section, the commission may
39 secure from the county under IC 6-1.1-25-9(e) parcels of property
40 acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

41 (d) Before offering any parcel of property for sale or grant, the fair
42 market value of the parcel of property must be determined by an

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1 appraiser, who may be an employee of the department. However, if the
 2 commission has obtained the parcel in the manner described in
 3 subsection (c), an appraisal is not required. An appraisal under this
 4 subsection is solely for the information of the commission and is not
 5 available for public inspection.

6 (e) The commission must decide at a public meeting whether the
 7 commission will sell or grant the parcel of real property. In making this
 8 decision, the commission shall give substantial weight to the extent to
 9 which and the terms under which the urban enterprise association or
 10 community development corporation will cause development on the
 11 property.

12 (f) Before conducting a meeting under subsection ~~(d)~~, (g), the
 13 commission shall publish a notice in accordance with IC 5-3-1
 14 indicating that at a designated time the commission will consider
 15 selling or granting the parcel of real property under this section. The
 16 notice must state the general location of the property, including the
 17 street address, if any, or a common description of the property other
 18 than the legal description.

19 (g) If the county agrees to transfer a parcel of real property to the
 20 commission to be sold or granted under this section, the commission
 21 may conduct a meeting to sell or grant the parcel to an urban enterprise
 22 zone or to a community development corporation even though the
 23 parcel has not yet been transferred to the commission. After the
 24 hearing, the commission may adopt a resolution directing the
 25 department to take appropriate steps necessary to acquire the parcel
 26 from the county and to transfer the parcel to the urban enterprise
 27 association or to the community development corporation.

28 (h) A conveyance of property under this section shall be made in
 29 accordance with section 22(i) of this chapter.

30 (i) An urban enterprise association that purchases or receives real
 31 property under this section shall report the terms of the conveyance to
 32 the enterprise zone board created under IC 4-4-6.1-1 not later than
 33 thirty (30) days after the date the conveyance of the property is made.

34 SECTION 100. IC 36-8-3.5-1, AS AMENDED BY P.L.180-2002,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]: Sec. 1. (a) This chapter applies to each
 37 municipality or township that has a full-time paid police or fire
 38 department. A municipality may exercise the power of establishing a
 39 merit system for its police or fire department under this chapter or by
 40 ordinance adopted under IC 36-1-4-14. A township may exercise the
 41 power of establishing a merit system for its fire department under this
 42 chapter or by resolution established under IC 36-1-4-14. This chapter



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1 does not affect merit systems established:

2 (1) by ordinance under IC 36-1-4-14, except as provided by
3 subsection (e);

4 (2) by resolution under IC 36-1-4-14, except as provided by
5 subsection (f); or

6 (3) by a prior statute, except as provided by subsection (b).

7 (b) If a city had a merit system for its police or fire department under
8 the former IC 18-4-12, IC 19-1-7, IC 19-1-14, IC 19-1-14.2,
9 IC 19-1-14.3, IC 19-1-14.5, IC 19-1-20, IC 19-1-21, IC 19-1-29,
10 IC 19-1-29.5, IC 19-1-31, IC 19-1-31.5, or IC 19-1-37.5, it may retain
11 that system by ordinance of the city legislative body passed before
12 January 1, 1983. The ordinance must initially incorporate all the
13 provisions of the prior statute but may be amended by the legislative
14 body after December 31, 1984. The ordinance retaining the system
15 must be amended, if necessary, to include a provision under which the
16 commission (or governing board of the merit system) has at least
17 one-third (1/3) of its members elected by the active members of the
18 department as prescribed by section 8 of this chapter. Each elected
19 commission member must:

20 (1) be a person of good moral character; and

21 (2) except for a member of a fire department having a merit system
22 established under IC 19-1-37.5, not be an active member of a
23 police or fire department or agency.

24 (c) After December 31, 1984, the legislative body also may repeal the
25 ordinance described in subsection (b), but the legislative body shall in
26 the repealing ordinance concurrently establish a new merit system
27 under section 3 of this chapter. (This subsection does not require the
28 legislative body to establish a new merit system when it exercises its
29 power to amend the ordinance under subsection (b).) After the new
30 merit system takes effect, all members of the department are entitled to
31 the same ranks and pay grades the members held under the prior
32 system, subject to changes made in accordance with this chapter.

33 (d) If a city had a merit system for its police or fire department under
34 a prior statute but fails to retain that system under subsection (b), the
35 city legislative body shall, before July 1, 1983, pass an ordinance to
36 establish a new merit system under section 3 of this chapter. If the new
37 merit system is approved as provided by section 4 of this chapter, it
38 takes effect as provided by that section. However, if the new merit
39 system is rejected under section 4 of this chapter, within thirty (30)
40 days the city legislative body shall adopt an ordinance to retain the
41 prior merit system. The prior merit system remains in effect until the
42 new merit system takes effect, after which time all members of the

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1 department are entitled to the same ranks and pay grades the members
 2 held under the prior system, subject to changes made in accordance
 3 with this chapter.

4 (e) An ordinance adopted under IC 36-1-4-14 to establish a police or
 5 fire merit system must include a provision under which the
 6 commission, or governing board of the merit system, has at least
 7 one-third (1/3) of its members elected by the active members of the
 8 department as prescribed by section 8 of this chapter. Each elected
 9 commission member must be a person of good moral character who is
 10 not an active member of a police or fire department or agency. If an
 11 ordinance was adopted under IC 36-1-4-14 before July 1, 1988, the
 12 ordinance must be amended to include this requirement.

13 (f) This chapter does not prevent a township or other unit that has
 14 adopted a merit system under section 3 of this chapter from later
 15 amending or deleting any provisions of the merit system contained in
 16 this chapter. However, the merit system must include a provision under
 17 which the commission has at least one-third (1/3) of its members
 18 elected by the active members of the department, as set forth in section
 19 8 of this chapter and a provision that incorporates the requirements of
 20 section 6(a) of this chapter. This subsection does not require the
 21 legislative body to establish a new merit system when it exercises its
 22 power to amend under this subsection.

23 SECTION 101. IC 36-8-7.5-10, AS AMENDED BY P.L.90-2002,
 24 SECTION 490, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If the local board
 26 determines that the total amount of money available for a year will be
 27 insufficient to pay the benefits, pensions, and retirement allowances the
 28 local board is obligated to pay under this chapter, the local board shall,
 29 before the date on which the budget of the police special service district
 30 is adopted, prepare an itemized estimate in the form prescribed by the
 31 state board of accounts of the amount of money that will be receipted
 32 into and disbursed from the 1953 fund during the next fiscal year. The
 33 estimated receipts consist of the items enumerated in section 8 of this
 34 chapter. The estimated disbursements consist of an estimate of the
 35 amount of money that will be needed by the local board during the next
 36 fiscal year to defray the expenses and obligations incurred and that will
 37 be incurred by the local board in making the payments prescribed by
 38 this chapter to retired members, to members who are eligible and
 39 expect to retire during the ensuing fiscal year, and to the dependents of
 40 deceased members.

41 (b) At the time when the estimates are prepared and submitted, the
 42 local board shall also prepare and submit a certified statement showing:



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(1) the estimated number of beneficiaries from the 1953 fund during the ensuing fiscal year in each of the various classifications of beneficiaries as prescribed in this chapter, and the names and amount of benefits being paid to those actively on the list of beneficiaries at that time;

(2) the name, age, and length of service of each member of the police department who is eligible to and expects to retire during the ensuing fiscal year, and the monthly and yearly amounts of the payment that the member will be entitled to receive; **and**

(3) the name and age of each dependent of a member of the police department who is then receiving benefits, the date on which the dependent commenced drawing benefits, and the date on which the dependent will cease to be a dependent by reason of attaining the age limit prescribed by this chapter, and the monthly and yearly amounts of the payments to which each of the dependents is entitled.

(c) After the amounts of receipts and disbursements shown in the itemized estimate are fixed and approved by the executive, fiscal officer, legislative body and other bodies, as provided by law for other municipal funds, the total receipts shall be deducted from the total expenditures stated in the itemized estimate, and the amount of the excess shall be paid by the police special service district in the same manner as other expenses of the district are paid. The legislative body shall levy a tax and the money derived from the levy shall, when collected, be credited exclusively to the 1953 fund. The tax shall be levied in the amount and at the rate that is necessary to produce sufficient revenue to equal the deficit. Notwithstanding any other law, neither the county board of tax adjustment nor the department of local government finance may reduce the tax levy.

SECTION 102. IC 36-8-16.5-39, AS AMENDED BY P.L.16-2002, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) Except as provided by section 26 of this chapter and subsection (b), the fund must be managed in the following manner:

(1) Three cents (\$0.03) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account to be used to reimburse CMRS providers and PSAPs for costs associated with implementation of phase two (2) of the FCC order. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers and PSAPs under this subdivision. The board shall reevaluate the fees placed into escrow

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not later than May 1, 2000. The board shall determine if the fee should be reduced, remain the same, or be increased based on the latest information available concerning the costs associated with phase two (2) of the FCC order.

(2) At least twenty-five cents (\$0.25) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account and used to reimburse CMRS providers for the actual costs incurred by the CMRS providers in complying with the wireless 911 requirements established by the FCC order and rules that are adopted by the FCC under the FCC order, including costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the costs of operating the service. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers under this subdivision. Except as provided by section 38 of this chapter, the CMRS provider may only request funds for true cost recovery. The board may increase the amount held in escrow under this subdivision not more than one (1) time a calendar year. If the board adjusts the wireless emergency 911 fee under section 26 of this chapter within a calendar year, an adjustment to the amount held in escrow under this subdivision for the calendar year must be made at that time.

(3) Two percent (2%) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this percentage at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(4) The remainder of the wireless emergency 911 fee collected from each subscriber must be distributed in the following manner:

(A) The board shall distribute on a monthly basis to each county containing one (1) or more eligible PSAPs, as identified by the county in the notice required under section 40 of this chapter, a part of the remainder based upon the county's percentage of the state's population (as reported in the most recent official United States census). A county must use a distribution received under this clause to reimburse PSAPs that:

- (i) are identified by the county under section 40 of this chapter as eligible for distributions; and
- (ii) accept wireless enhanced 911 service;



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for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

(B) The amount of the fee remaining, if any, after the distributions required under clause (A) must be distributed in equal shares between the escrow accounts established under subdivisions (1) and (2).

(b) Notwithstanding the requirements described in subsection (a), the board may transfer money between and among the accounts in subsection (a) in accordance with the following procedures:

(1) For purposes of acting under this subsection, the board must have a quorum consisting of at least one (1) member appointed under section 18(c)(2) of this ~~section~~ **chapter** and at least one (1) member appointed under section 18(c)(3) of this ~~section~~ **chapter**.

(2) A transfer under this subsection must be approved by the affirmative vote of:

(A) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(2) of this chapter; and

(B) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(3) of this chapter.

(3) The board may make transfers only one (1) time during a calendar year.

(4) The board may not make a transfer that:

(A) impairs cost recovery by CMRS providers or PSAPs; or

(B) impairs the ability of the board to fulfill its management and administrative obligations described in this chapter.

SECTION 103. IC 36-11-6-1, AS ADDED BY P.L.161-2002, SECTION 2, AND AS ADDED BY P.L.172-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A district plan for the operation of the district must include:

(1) a detailed statement of the activities under ~~IC 13-26-5-2-1~~

IC 36-11-2-1 that the district plans to undertake; and

(2) a timetable for the activities under subdivision (1).

SECTION 104. IC 12-10-6-2 IS REPEALED [EFFECTIVE JULY 1, 2002 (RETROACTIVE)].

SECTION 105. IC 34-6-2-21.2 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 106. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002 (RETROACTIVE)]: IC 35-41-1-10.7, AS ADDED BY

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P.L.123-2002, SECTION 35; IC 35-41-1-10.7, AS ADDED BY P.L.133-2002, SECTION 63.

SECTION 107. P.L.133-2002, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 70. (a) IC 35-46-1-15.1, as amended by this act, ~~and IC 35-47-4-6, as added by this act,~~ **apply applies** only to an offense committed after June 30, 2002.

(b) A protective order issued before July 1, 2002, under IC 31-34-17, IC 31-37-16, or IC 34-26-2, all as repealed by this act, remains in effect for the period indicated in the court order granting the protective order.

(c) A protective order issued before July 1, 2002, under IC 31-14-16 or IC 31-15-5, as amended by this act, remains in effect for the period indicated in the court order granting the protective order.

(d) After June 30, 2002, a protected person must use the forms developed by the division of state court administration under IC 34-26-5-3, as added by this act, if the person is seeking an extension or a modification of an order issued under subsection (b) or (c).

SECTION 108. P.L.162-2002, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 10. (a) The definitions in IC 25-23.7-2, as added by this act, apply throughout this SECTION.

(b) An individual who applies for a license as an installer of a manufactured home under ~~IC 25-23.7-2,~~ **IC 25-23.7-5**, as added by this act, is not required to comply with IC 25-23.7-5-2(1)(D), as added by this act. Such an individual is required to do the following:

(1) Show to the satisfaction of the board that the individual is an experienced installer.

(2) Comply with the other requirements of IC 25-23.7-5-2, as added by this act.

(c) This SECTION expires July 1, 2006.

SECTION 109. P.L.173-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 6. (a) As used in this SECTION, "commissioner" refers to the commissioner of the Indiana department of administration.

(b) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(c) As used in this SECTION, "grantee" refers to Ivy Tech State College.

(d) As used in this SECTION, "parcel 1" refers to the following described real estate:

Part of the Southwest Quarter of Section 20, Township 31 North, Range 13 East of the Second Principal Meridian in Allen County,



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Indiana, more particularly described as follows:

Commencing at a 1 inch brass pin found at the Southwest corner of the Southwest Quarter; thence North 00 degrees, 42 minutes, 00 seconds West, (assumed bearing and basis of bearings to follow), a distance of 875.00 feet along the West line of the Southwest Quarter and the centerline of St. Joe Road; thence North 89 degrees, 18 minutes, 00 seconds East, a distance of 81.20 feet to an east right-of-way line of St. Joe Road; thence North 65 degrees, 31 minutes, 43 seconds East, a distance of 12.80 feet along the right-of-way line to an east right-of-way line of St. Joe Road; thence North 00 degrees, 30 minutes, 32 seconds West, a distance of 54.84 feet along the right-of-way line to a 5/8 inch steel rebar set at the POINT OF BEGINNING of this description; thence continuing North 00 degrees, 30 minutes, 32 seconds West, a distance of 2.16 feet along the right-of-way line to a 5/8 inch steel rebar set; thence North 66 degrees, 32 minutes, 47 seconds West, a distance of 49.24 feet along the right-of-way line to a 5/8 inch steel rebar set; thence North 00 degrees, 30 minutes, 32 seconds West, a distance of 25.65 feet along the right-of-way line to a tangent curve, concave to the East, having a radius of 3774.72 feet; thence northerly along the curve and the right-of-way line a distance of 245.63 feet, having a central angle of 03 degrees, 43 minutes, 42 seconds, and a chord of 245.58 feet bearing North 01 degrees, 21 minutes, 19 seconds East to a 5/8 inch steel rebar set at the point of tangency; thence North 03 degrees, 13 minutes, 10 seconds East, a distance of 39.33 feet along the right-of-way line to a 5/8 inch steel rebar set on a tangent curve, concave to the West, having a radius of 3864.72 feet; thence northerly along the curve and the right-of-way line a distance of 66.73 feet, having a central angle of 00 degrees, 59 minutes, 21 seconds, and a chord of 66.72 feet bearing North 02 degrees, 43 minutes, 29 seconds East to a 5/8 inch steel rebar set; thence North 89 degrees, 18 minutes, 00 seconds East, a distance of 95.95 feet to a 5/8 inch steel rebar set; thence North 00 degrees, 42 minutes, 00 seconds West, a distance of 50.00 feet to a 5/8 inch steel rebar set; thence South 89 degrees, 18 minutes, 00 seconds West, a distance of 93.72 feet to a 5/8 inch steel rebar set on the east right-of-way line of St. Joe Road, also being a nontangent curve, concave to the West, having a radius of 3864.72 feet; thence northerly along the curve and the right-of-way line a distance of 160.56 feet, having a central angle of 02 degrees, 22 minutes, 50 seconds, and a chord of 160.56 feet bearing North 00 degrees, 17 minutes, 53 seconds

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1 East to a 5/8 inch steel rebar set at the point of tangency; thence
 2 North 00 degrees, 53 minutes, 32 seconds West, a distance of
 3 476.10 feet along the east right-of-way line to a 5/8 inch steel rebar
 4 set; thence South 86 degrees, 42 minutes, 36 seconds East, a
 5 distance of 343.35 feet to a 5/8 inch steel rebar set; thence South
 6 89 degrees, 07 minutes, 22 seconds East, a distance of 223.92 feet
 7 to a 5/8 inch steel rebar set; thence South 00 degrees, 52 minutes,
 8 38 seconds West, a distance of 46.59 feet to a 5/8 inch steel rebar
 9 set; thence North 89 degrees, 17 minutes, 51 seconds East, a
 10 distance of 44.11 feet to a 5/8 inch steel rebar set; thence South 00
 11 degrees, 42 minutes, 09 seconds East, a distance of 360.32 feet to
 12 a 5/8 inch steel rebar set; thence South 89 degrees, 17 minutes, 51
 13 seconds West, a distance of 65.00 feet; thence South 00 degrees,
 14 42 minutes, 09 seconds East, a distance of 60.00 feet; thence North
 15 89 degrees, 17 minutes, 51 seconds East, a distance of 65.00 feet
 16 to a 5/8 inch steel rebar set; thence South 00 degrees, 42 minutes,
 17 09 seconds East, a distance of 264.24 feet to a 5/8 inch steel rebar
 18 set; thence South 89 degrees, 17 minutes, 51 seconds West, a
 19 distance of 41.74 feet to a 5/8 inch steel rebar set; thence South 01
 20 degrees, 02 minutes, 54 seconds East, a distance of 38.87 feet to a
 21 5/8 inch steel rebar set; thence North 89 degrees, 17 minutes, 51
 22 seconds East, a distance of 41.66 feet; thence North 01 degrees, 02
 23 minutes, 54 seconds West, a distance of 25.48 feet to a 5/8 inch
 24 steel rebar set; thence North 88 degrees, 57 minutes, 06 seconds
 25 East, a distance of 657.00 feet to a 5/8 inch steel rebar set; thence
 26 South 01 degrees, 06 minutes, 51 seconds East, a distance of
 27 250.49 feet to a 5/8 inch steel rebar set; thence South 88 degrees,
 28 58 minutes, 30 seconds West, a distance of 656.47 feet to a 5/8
 29 inch steel rebar set at a tangent curve, concave to the South, having
 30 a radius of 860.00 feet, thence westerly along the curve, a distance
 31 of 211.44 feet, having a central angle of 14 degrees, 05 minutes, 11
 32 seconds, and a chord of 210.90 feet bearing South 81 degrees, 55
 33 minutes, 54 seconds West to a 5/8 inch steel rebar set at the point
 34 of tangency; thence South 74 degrees, 53 minutes, 19 seconds
 35 West, a distance of 55.77 feet to a 5/8 inch steel rebar set at a
 36 tangent curve, concave to the North, having a radius of 640.00 feet,
 37 thence westerly along the curve, a distance of 160.98 feet, having
 38 a central angle of 14 degrees, 24 minutes, 42 seconds, and a chord
 39 of 160.56 feet bearing South 82 degrees, 05 minutes, 39 seconds
 40 West to a 5/8 inch steel rebar set at the point of tangency; thence
 41 South 89 degrees, 18 minutes, 00 seconds West, a distance of
 42 163.18 feet to the POINT OF BEGINNING. Containing 18.224

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1 acres, more or less.

2 (e) As used in this SECTION, "parcel 2" refers to the following
3 described real estate:

4 Part of the Southwest Quarter of Section 20, Township 31 North,
5 Range 13 East of the Second Principal Meridian in Allen County,
6 Indiana, more particularly described as follows:

7 Commencing at a 1 inch brass pin found at the Southwest corner
8 of the Southwest Quarter; thence North 00 degrees, 42 minutes, 00
9 seconds West, (assumed bearing and basis of bearings to follow),
10 a distance of 875.00 feet along the West line of the Southwest
11 Quarter and the centerline of St. Joe Road; thence North 89
12 degrees, 18 minutes, 00 seconds East, a distance of 81.20 feet to a
13 east right-of-way line of St. Joe Road, also being the POINT OF
14 BEGINNING of this description; thence North 65 degrees, 31
15 minutes, 43 seconds East, a distance of 12.80 feet along the
16 right-of-way line to a east right-of-way line of St. Joe Road to a 5/8
17 inch steel rebar set; thence North 00 degrees, 30 minutes, 32
18 seconds West, a distance of 54.84 feet along the right-of-way line
19 to a 5/8 inch steel rebar set; thence North 89 degrees, 18 minutes,
20 00 seconds East, a distance of 163.18 feet to a 5/8 inch steel rebar
21 set at a tangent curve, concave to the North, having a radius of
22 640.00 feet, thence easterly along the curve a distance of 160.98
23 feet, having a central angle of 14 degrees, 24 minutes, 42 seconds,
24 and a chord of 160.56 feet bearing North 82 degrees, 05 minutes,
25 39 seconds East to a 5/8 inch steel rebar set at the point of
26 tangency; thence North 74 degrees, 53 minutes, 19 seconds East,
27 a distance of 55.77 feet to a 5/8 inch steel rebar set at a tangent
28 curve, concave to the South, having a radius of 860.00 feet; thence
29 easterly along the curve a distance of 211.44 feet, having a central
30 angle of 14 degrees, 05 minutes, 11 seconds, and a chord of 210.90
31 feet bearing North 81 degrees, 55 minutes, 54 seconds East to a 5/8
32 inch steel rebar set at the point of tangency; thence North 88
33 degrees, 58 minutes, 30 seconds East, a distance of 656.47 feet to
34 a 5/8 inch steel rebar set; thence North 01 degrees, 06 minutes, 51
35 seconds West, a distance of 250.49 feet to a 5/8 inch steel rebar
36 set; thence North 88 degrees, 57 minutes, 06 seconds East, a
37 distance of 50.00 feet to a 5/8 inch steel rebar set; thence South 01
38 degrees, 06 minutes, 51 seconds East, a distance of 310.56 feet to
39 a 5/8 inch steel rebar set; thence South 88 degrees, 58 minutes, 30
40 seconds West, a distance of 706.56 feet to a 5/8 inch steel rebar set
41 at a tangent curve, concave to the South, having a radius of 800.00
42 feet, thence westerly along the curve, a distance of 196.68 feet,

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1 having a central angle of 14 degrees, 05 minutes, 11 seconds, and
 2 a chord of 196.19 feet bearing South 81 degrees, 55 minutes, 54
 3 seconds West to a 5/8 inch steel rebar set at the point of tangency;
 4 thence South 74 degrees, 53 minutes, 19 seconds West, a distance
 5 of 55.77 feet to a 5/8 inch steel rebar set at a tangent curve,
 6 concave to the North, having a radius of 700.00 feet, thence
 7 westerly along the curve, a distance of 176.07 feet, having a central
 8 angle of 14 degrees, 24 minutes, 42 seconds, and a chord of 175.61
 9 feet bearing South 82 degrees, 05 minutes, 39 seconds West to a
 10 5/8 inch steel rebar set at the point of tangency; thence South 89
 11 degrees, 18 minutes, 00 seconds West, a distance of 175.07 feet to
 12 the POINT OF BEGINNING. Containing 2.076 acres, more or less.

13 (f) As used in this SECTION, "parcel 3" refers to the following
 14 described real estate:

15 Part of the Southwest Quarter of Section 20, Township 31 North,
 16 Range 13 East of the Second Principal Meridian in Allen County,
 17 Indiana, more particularly described as follows:

18 Commencing at a 1 inch brass pin found at the Southwest corner
 19 of the Southwest Quarter; thence North 00 degrees, 42 minutes, 00
 20 seconds West, (assumed bearing and basis of bearings to follow),
 21 a distance of 2303.57 feet along the West line of the Southwest
 22 Quarter and the centerline of St. Joe Road; thence North 89
 23 degrees, 06 minutes, 28 seconds East, a distance of 66.22 feet to a
 24 5/8 inch steel rebar set on the east right-of-way line of St. Joe
 25 Road, also being the POINT OF BEGINNING of this description;
 26 thence North 00 degrees, 53 minutes, 32 seconds West, a distance
 27 of 50.00 feet along the right-of-way line to a 5/8 inch steel rebar
 28 set; thence North 89 degrees, 06 minutes, 28 seconds East, a
 29 distance of 198.29 feet; thence South 01 degrees, 15 minutes, 11
 30 seconds East, a distance of 297.44 feet to a 5/8 inch steel rebar set;
 31 thence South 86 degrees, 42 minutes, 36 seconds East, a distance
 32 of 145.25 feet to a PK Nail set; thence South 89 degrees, 07
 33 minutes, 22 seconds East, a distance of 314.36 feet to a 5/8 inch
 34 steel rebar set; thence South 00 degrees, 42 minutes, 09 seconds
 35 East, a distance of 791.69 feet to a 5/8 inch steel rebar set; thence
 36 South 88 degrees, 57 minutes, 06 seconds West, a distance of
 37 50.00 feet to a 5/8 inch steel rebar set; thence South 01 degrees, 02
 38 minutes, 54 seconds East, a distance of 25.48 feet to a 5/8 inch
 39 steel rebar set; thence South 89 degrees, 17 minutes, 51 seconds
 40 West, a distance of 41.66 feet to a 5/8 inch steel rebar set; thence
 41 North 01 degrees, 02 minutes, 54 seconds West, a distance of
 42 38.87 feet to a 5/8 inch steel rebar set; thence North 89 degrees, 17



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minutes, 51 seconds East, a distance of 41.74 feet to a 5/8 inch steel rebar set; thence North 00 degrees, 42 minutes, 09 seconds West, a distance of 264.24 feet to a 5/8 inch steel rebar set; thence South 89 degrees, 17 minutes, 51 seconds West, a distance of 65.00 feet to a 5/8 inch steel rebar set; thence North 00 degrees, 42 ~~seconds~~ minutes, 09 seconds West, a distance of 60.00 feet to a 5/8 inch steel rebar set; thence North 89 degrees, 17 minutes, 51 seconds East, a distance of 65.00 feet to a 5/8 inch steel rebar set; thence North 00 degrees, 42 minutes, 09 seconds West, a distance of 743.35 feet to a 5/8 inch steel rebar set; thence South 89 degrees, 17 minutes, 51 seconds West, a distance of 44.11 feet to a 5/8 inch steel rebar set; thence North 00 degrees, 52 minutes, 38 seconds East, a distance of 46.59 feet to a 5/8 inch steel rebar set; thence North 89 degrees, 07 minutes, 22 seconds West, a distance of 223.93 feet to a PK Nail set; thence North 86 degrees, 42 minutes, 36 seconds West, a distance of 303.54 feet to a 5/8 inch steel rebar set; thence North 03 degrees, 17 minutes, 24 seconds East, a distance of 50.00 feet to a 5/8 inch steel rebar set; thence South 86 degrees, 42 minutes, 36 seconds East, a distance of 107.08 feet to a 5/8 inch steel rebar set; thence North 01 degrees, 15 minutes, 11 seconds West, a distance of 243.78 feet to a 5/8 inch steel rebar set; thence South 89 degrees, 06 minutes, 28 seconds West, a distance of 148.61 feet to the POINT OF BEGINNING. Containing 2.245 acres, more or less.

(g) As used in this SECTION, "parcel 4" refers to the following described real estate:

Part of the Southwest Quarter of Section 20, Township 31 North, Range 13 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at a 1 inch brass pin found at the Southwest corner of the Southwest Quarter; thence North 00 degrees, 42 minutes, 00 seconds West, (assumed bearing and basis of bearings to follow), a distance of 1334.23 feet along the west line of the Southwest Quarter and the centerline of St. Joe Road; thence North 89 degrees, 18 minutes, 00 seconds East, a distance of 63.73 feet to a 5/8 inch steel rebar set on the east right-of-way line of St. Joe Road, this point also being the POINT OF BEGINNING of this description, also being on a non-tangent curve, concave to the West, having a radius of 3864.72 feet; thence northerly along the curve and the right-of-way line a distance of 50.05 feet, having a central angle of 00 degrees, 44 minutes, 31 seconds, and a chord of 50.05 feet bearing North 01 degrees, 51 minutes, 33 seconds



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1 East to a 5/8 inch steel rebar set; thence North 89 degrees, 18
 2 minutes, 00 seconds East, a distance of 93.72 feet to a 5/8 inch
 3 steel rebar set; thence South 00 degrees, 42 minutes, 00 seconds
 4 East, a distance of 50.00 feet to a 5/8 inch steel rebar set; thence
 5 South 89 degrees, 18 minutes, 00 seconds West, a distance of
 6 95.95 feet to the POINT OF BEGINNING. Containing 0.109 acres,
 7 more or less.

8 (h) The governor and the commissioner are authorized and directed
 9 on behalf of and in the name of the state of Indiana to convey parcel 1
 10 to the grantee. The conveyance of parcel 1 shall be made without
 11 consideration.

12 (i) Conveyance of parcel 1 is subject to the following:

13 (1) Highways, easements, and restrictions of record.

14 (2) Use of parcel 1 by the grantee for the future growth and
 15 development of Ivy Tech State College in Fort Wayne, Indiana.

16 (j) If parcel 1 is used for any purpose other than for the future growth
 17 and development of Ivy Tech State College in Fort Wayne, Indiana,
 18 title to parcel 1 reverts to the state of Indiana, subject to subsection (k).

19 (k) The reversionary interest of the state described in subsection (j)
 20 is subject to any recorded liens and encumbrances on parcel 1 that
 21 result from an unsatisfied indebtedness incurred by the grantee to
 22 improve parcel 1 to carry out the purposes stated in subsection (i)(2).

23 (l) The conveyance under this SECTION must comply with
 24 IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with the
 25 intent of this SECTION, which is to provide for the transfer of parcel
 26 1 to the grantee. The department shall have a quitclaim deed prepared
 27 to convey parcel 1 to the grantee. The deed must state the restrictions
 28 and conditions contained in subsections (i), (j), and (k). The
 29 commissioner and the governor shall sign the deed, and the seal of the
 30 state shall be affixed to the deed.

31 (m) The department shall deliver the completed deed to the grantee.
 32 The grantee shall have the deed recorded in Allen County, Indiana.

33 (n) The governor and the commissioner are authorized and directed
 34 on behalf of and in the name of the state of Indiana to grant easements
 35 to the grantee in parcel 2, parcel 3, and parcel 4 for the grantee and its
 36 invitees to have ingress to and egress from parcel 1 and to have access
 37 to utilities. The grant shall be made without consideration. The
 38 easements are subject to highways, other easements, and restrictions of
 39 record.

40 (o) The grantee shall have the easements recorded in Allen County,
 41 Indiana.

42 (p) The easements granted under subsection (n) must comply with

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IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with the intent of this SECTION for the grantee and its invitees to have adequate ingress to and egress from parcel 1 and to have access to utilities.

(~~+~~) (q) This SECTION expires July 1, 2007.

SECTION 110. P.L.178-2002, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 28, 2002 (RETROACTIVE)]: SECTION 155. (a) Notwithstanding ~~P.L.29-2001~~, **P.L.291-2001**, SECTION 5, the total operating expense for all universities shall be reduced by \$29,000,000 for FY 2002-2003. The amount of the reduction for each main and regional campus equals the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of the total operating appropriation to the campus.

STEP TWO: Determine the amount of the total operating appropriations for all university campuses.

STEP THREE: Divide the STEP ONE amount by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by \$29,000,000.

(b) Notwithstanding ~~P.L.29-2001~~, **P.L.291-2001**, SECTIONS 5 and 38, and any other law, universities may use a part of the money allocated to them from the appropriation from the BUILD INDIANA FUND (BIF) (~~IC 4-30-27~~), **(IC 4-30-17)**, FOR THE BUDGET AGENCY, Higher Education Technology, for operating expenses to defray the reductions under subsection (a). The amount available for operating expense may not exceed a total of \$29,000,000. The formula in subsection (a) shall be used to determine the amount main and regional campuses shall receive.

SECTION 111. P.L.220-2001, SECTION 1, AS AMENDED BY P.L.137-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "commission" refers to the Indiana commission on excellence in health care established by subsection (d).

(b) As used in this SECTION, "health care professional" has the meaning set forth in IC 16-27-1-1.

(c) As used in this SECTION, "health care provider" includes the following:

- (1) A hospital or an ambulatory outpatient surgical center licensed under IC 16-21.
- (2) A hospice program (as defined in IC 16-25-1.1-4).
- (3) A home health agency licensed under IC 16-27-1.
- (4) A health facility licensed under IC 16-28.



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1 (d) There is established the Indiana commission on excellence in
2 health care.

3 (e) The commission consists of the following members:

4 (1) Four (4) members appointed from the house of representatives
5 by the speaker of the house of representatives. Not more than two
6 (2) of the members appointed under this subdivision may be
7 members of the same political party.

8 (2) Four (4) members appointed from the senate by the president
9 pro tempore of the senate. Not more than two (2) of the members
10 appointed under this subdivision may be members of the same
11 political party.

12 (3) The governor or the governor's designee.

13 (4) The state health commissioner appointed under IC 16-19-4-2
14 or the commissioner's designee.

15 (5) One (1) member appointed by the governor who is a former
16 dean or former faculty member of the Indiana University School of
17 Medicine.

18 (6) One (1) member appointed by the governor who is a former
19 dean or former faculty member of an Indiana school of nursing.

20 (7) One (1) member appointed by the governor who is a health care
21 provider or a representative for individuals who have both a mental
22 illness and a developmental disability.

23 (f) The commission shall operate under the rules of the legislative
24 council. The commission shall meet upon the call of the chairperson.

25 (g) The affirmative votes of at least seven (7) voting members of the
26 commission are required for the commission to take any action,
27 including the approval of a final report.

28 (h) The speaker of the house of representatives shall appoint the
29 chairperson of the commission during odd-numbered years beginning
30 January 1. The president pro tempore of the senate shall appoint the
31 chairperson of the commission during even-numbered years beginning
32 January 1.

33 (i) Each member of the commission who is not a state employee is
34 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
35 The member is also entitled to reimbursement for traveling expenses
36 as provided under IC 4-13-1-4 and other expenses actually incurred in
37 connection with the member's duties as provided in the state policies
38 and procedures established by the Indiana department of administration
39 and approved by the budget agency.

40 (j) Each member of the commission who is a state employee but who
41 is not a member of the general assembly is entitled to reimbursement
42 for traveling expenses as provided under IC 4-13-1-4 and other

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1 expenses actually incurred in connection with the member's duties as
 2 provided in the state policies and procedures established by the Indiana
 3 department of administration and approved by the budget agency.

4 (k) Each member of the commission who is a member of the general
 5 assembly is entitled to receive the same per diem, mileage, and travel
 6 allowances paid to members of the general assembly serving on interim
 7 study committees established by the legislative council.

8 (l) The legislative services agency shall provide staff to support the
 9 commission. The legislative services agency is not required to provide
 10 staff assistance to the subcommittees of the commission except to the
 11 extent the subcommittees require copying services.

12 (m) The expenses of the commission shall be paid from funds
 13 appropriated to the legislative services agency.

14 (n) The commission shall study the quality of health care, including
 15 mental health, and develop a comprehensive statewide strategy for
 16 improving the health care delivery system. The commission shall do the
 17 following:

18 (1) Identify existing data sources that evaluate quality of health
 19 care in Indiana and collect, analyze, and evaluate this data.

20 (2) Establish guidelines for data sharing and coordination.

21 (3) Identify core sets of quality measures for standardized reporting
 22 by appropriate components of the health care continuum.

23 (4) Recommend a framework for quality measurement and
 24 outcome reporting.

25 (5) Develop quality measures that enhance and improve the ability
 26 to evaluate and improve care.

27 (6) Make recommendations regarding research and development
 28 needed to advance quality measurement and reporting.

29 (7) Evaluate regulatory issues relating to the pharmacy profession
 30 and recommend changes necessary to optimize patient safety.

31 (8) Facilitate open discussion of a process to ensure that
 32 comparative information on health care quality is valid, reliable,
 33 comprehensive, understandable, and widely available in the public
 34 domain.

35 (9) Sponsor public hearings to share information and expertise,
 36 identify best practices, and recommend methods to promote their
 37 acceptance.

38 (10) Evaluate current regulatory programs to determine what
 39 changes, if any, need to be made to facilitate patient safety.

40 (11) Review public and private health care purchasing systems to
 41 determine if there are sufficient mandates and incentives to
 42 facilitate continuous improvement in patient safety.



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(12) Analyze how effective existing regulatory systems are in ensuring continuous competence and knowledge of effective safety practices.

(13) Develop a framework for organizations that license, accredit, or credential health care professionals and health care providers to more quickly and effectively identify unsafe providers and professionals and to take action necessary to remove an unsafe provider or professional from practice or operation until the professional or provider has proven safe to practice or operate.

(14) Recommend procedures for development of a curriculum on patient safety and methods of incorporating the curriculum into training, licensure, and certification requirements.

(15) Develop a framework for regulatory bodies to disseminate information on patient safety to health care professionals, health care providers, and consumers through conferences, journal articles and editorials, newsletters, publications, and Internet web sites.

(16) Recommend procedures to incorporate recognized patient safety considerations into practice guidelines and into standards related to the introduction and diffusion of new technologies, therapies, and drugs.

(17) Recommend a framework for development of community based collaborative initiatives for error reporting and analysis and implementation of patient safety improvements.

(18) Evaluate the role of advertising in promoting or adversely affecting patient safety.

(19) Evaluate and make recommendations regarding the need for licensure of additional persons who participate in the delivery of health care to Indiana residents.

(20) Evaluate the benefits and problems of the current disciplinary systems and make recommendations regarding alternatives and improvements.

(21) Study and make recommendations concerning the long term care system, including self-directed care plans and the regulation and reimbursement of public and private facilities that provide long term care.

(22) Study and make recommendations concerning increasing the number of:

- (+) (A) nurses;
- (2) (B) respiratory care practitioners;
- (3) (C) speech pathologists; and
- (4) (D) dental hygienists.



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(23) Study any other topic required by the chairperson.

(o) The commission may create subcommittees to study topics, receive testimony, and prepare reports on topics assigned by the commission. The chairperson shall select from the topics listed under subsection (n) the topics to be studied by the commission and subcommittees each year. The chairperson shall appoint persons to act as chairperson and secretary of each subcommittee. The commission shall by majority vote appoint initial members to each subcommittee. Each subcommittee may by a majority vote of the members appointed to the subcommittee make a recommendation to the commission to appoint additional members to the subcommittee. The commission may by a majority vote of the members appointed to the commission appoint or remove members of a subcommittee. A member of a subcommittee, including a commission member while serving on a subcommittee, is not entitled to per diem, mileage, or travel allowances.

(p) The commission shall submit:

(1) interim reports not later than October 1, 2001, and October 1, 2002; and

(2) a final report not later than October 1, 2003;

to the governor, members of the health finance commission, and the legislative council. With the consent of the chairperson of the commission and the chairperson of the health finance commission, the commission and the health finance commission may conduct joint meetings.

(q) This SECTION expires July 1, 2004.

SECTION 112. P.L.37-1998, SECTION 3, AS AMENDED BY P.L.95-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 3. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health established by this SECTION.

(b) The Indiana commission on mental health is established.

(c) The commission consists of ~~sixteen (16)~~ **seventeen (17)** members determined as follows:

(1) The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the commission.

(2) The governor shall appoint thirteen (13) lay members, not more than seven (7) of whom may be from the same political party, to serve on the commission as follows:

(A) Four (4) at-large members, not more than two (2) of whom may be from the same political party.



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- 1 (B) Two (2) consumers of mental health services.
- 2 (C) Two (2) representatives of different advocacy groups for
- 3 consumers of mental health services.
- 4 (D) Two (2) members of families of consumers of mental health
- 5 services.
- 6 (E) Three (3) members who represent mental health providers.
- 7 One (1) of the members appointed under this clause must be a
- 8 representative of a for-profit psychiatric provider. One (1) of the
- 9 members appointed under this clause must be a physician
- 10 licensed under IC 25-22.5.
- 11 (d) Except for the members appointed under subsection (c)(2)(E), the
- 12 members of the commission may not have a financial interest in the
- 13 subject matter to be studied by the commission.
- 14 (e) The chairman of the legislative council shall designate a
- 15 legislative member of the commission to serve as chairman of the
- 16 commission.
- 17 (f) Each legislative member and each lay member of the commission
- 18 is entitled to receive the same per diem, mileage, and travel allowances
- 19 paid to individuals serving as legislative and lay members, respectively,
- 20 on interim study committees established by the legislative council.
- 21 (g) The commission shall do the following:
- 22 (1) Study and evaluate the funding system for managed care
- 23 providers of mental health services.
- 24 (2) Review and make specific recommendations regarding the
- 25 provision of mental health services delivered by community
- 26 managed care providers and state operated hospitals.
- 27 (3) Review and make recommendations regarding any unmet need
- 28 for public supported mental health services in any specific
- 29 geographic area or throughout Indiana. In formulating these
- 30 recommendations, the commission shall consider the need,
- 31 feasibility, and desirability of including additional organizations in
- 32 the network of managed care providers.
- 33 (4) Review the results of the actuarial study which must be
- 34 submitted by the division of mental health and addiction to the
- 35 commission not later than thirty (30) days after completion of the
- 36 actuarial study.
- 37 (5) Make recommendations regarding the application of the
- 38 actuarial study by the division of mental health and addiction to the
- 39 determination of service needs, eligibility criteria, payment, and
- 40 prioritization of service.
- 41 (h) The commission shall:
- 42 (1) monitor the implementation of managed care programs for all

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1 populations of the mentally ill that are eligible for care that is paid
2 for in part or in whole by the state; and
3 (2) make recommendations regarding the commission's findings
4 under subdivision (1) to the appropriate division or department.
5 (i) This SECTION expires January 1, 2004.
6 SECTION 113. P.L.178-2002, SECTION 147, IS REPEALED
7 [EFFECTIVE UPON PASSAGE].
8 SECTION 114. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1167, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 12, nays 0.

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EH 1167—LS 7303/DI 55+



COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1167, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1167 as printed January 17, 2003.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 1.

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EH 1167—LS 7303/DI 55+



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1167 be amended to read as follows:

Page 14, line 15, after "on" insert "**a**".

Page 30, line 6, after "under" insert "*the*".

Page 30, line 7, delete "the".

(Reference is to EHB 1167 as printed February 28, 2003.)

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